



*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF THE TOWN BOARD MEETING  
TUESDAY, SEPTEMBER 20, 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, Town Engineer Majkowski and Plan Commission Chairperson Jerry Wallenfang. Other members of the public were also in attendance.
4. **CONSENT AGENDA**
  - a). Approval of the Minutes of August 16, 2016 Town Board Meeting.
  - b). Approval of August 2016 Treasurer Report & Approve Bills.
  - c). Operator's Licenses with No Applicable Violations per Town Policy.

*Motion by Walsh/Reinke to approve the consent agenda as presented. Motion carried 5 to 0 by voice vote.*

5. **PRESENTATIONS:**
  - a). Service Recognition – Lisa Van Schyndel (20-Year Award), Buchanan Fire & Rescue: Assistant EMS Chief Jeff Hooyman presented Lisa Van Schyndel with her 20-year service award.
  - b). East Central Wisconsin Regional Planning Commission – Initiative 41 Program: Manny Vasquez and Mike Thomas presented the regional Initiative 41 Program. They highlighted the benefits of working collaboratively as a region for economic development. A short video was shown.
6. **PUBLIC COMMENT FORUM:** McAndrews called for comments from the public. The following individuals spoke during the public comment period:

- Tom Saelens (W2581 Buchanan Road): Opined the no parking signs on Emons Road that are constantly ignored are a waste of taxpayer money. Opined the Town deputies do not enforce the ordinance. Stated he does not see many bicyclists on the Town roads and felt that adding bicycle lanes were unnecessary. Opined the Town should hire another officer to enforce traffic laws instead of building more bike lanes. Opined bicyclists in the area do not follow rules and does not believe providing bicyclists with bike lanes will be any safer.

7. **PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:**

- a). Application for Conditional Use Permit: Applicants: Jack Griffin, Griffin Builders, Inc. on behalf of Mike Bongers; Single Family Home, Grading within Shoreland Zoning District. Parcel ID: 030074403 Lot 3, CSM 7115 (Block Road) – For Approval/Denial: Plan Commission Chair Wallenfang introduced the application. He noted the Plan Commission recommended approval at their September 12, 2016 meeting. The Town Board reviewed and discussed the application.

*Motion by Reinke/Walsh to approve the application for Conditional Use Permit: applicants: Jack Griffin, Griffin Builders, Inc. on behalf of Mike Bongers; Single Family Home, Grading within Shoreland Zoning District. Parcel ID: 030074403 Lot 3, CSM 7115 (Block Road) as presented. Motion carried 5 to 0 by voice vote.*

- b). Application for Conditional Use Permit: Applicants: Jack Griffin, Griffin Builders, Inc. on behalf of Greg Bongers; Single Family Home, Grading within Shoreland Zoning District. Parcel ID: 030060002 Lot 2, CSM 7115 (Block Road) – For Approval/Denial: Plan Commission Chair Wallenfang introduced the application. He noted the Plan Commission recommended approval at their September 12, 2016 meeting. The Town Board reviewed and discussed the application.

*Motion by Kavanaugh/Lawrence to approve the application for Conditional Use Permit: applicants: Jack Griffin, Griffin Builders, Inc. on behalf of Greg Bongers; Single Family Home, Grading within Shoreland Zoning District. Parcel ID: 030060002 Lot 2, CSM 7115 (Block Road) as presented. Motion carried 5 to 0 by voice vote.*

## **8. ROUTINE REPORTS & ACTIVITIES:**

- a). Law Enforcement – Update/Monthly Report on Town Law Enforcement Activities: Deputy Van Handel provided an oral report on law enforcement activities. He noted the deputies have been enforcing seat belt violations through a state funded grant program, handling recent special events, enforcing traffic laws and taking proactive community policing efforts related to patrolling commercial businesses.
- 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 August.
- c). Town Engineer – Update/Quarterly Report on Town Engineer Activities: Majkowski provided an update on the following items: A15 warranty repairs, Ruys Court improvements and general drainage issues.
- i. Contract A16 Pay Request #2 & Change Order #2 - For Discussion & Possible Action: Majkowski reviewed Change Order #2 and the Pay Request #2 for Contract A16 for Town Board Consideration.

*Motion by Lawrence/Reinke to approve Contract A16 Change Order #2 for the amount of \$5,242.05. Motion carried 4 to 0. Walsh abstained.*

*Motion by Reinke/Kavanaugh to approve Contract A16 Pay Request #2 for the amount of \$345,608.33. Motion carried 4 to 0. Walsh abstained.*

- ii. Kebe Court Drainage Plan & Recommendations - For Discussion & Possible Action: Majkowski provided a review of the Kebe Court Drainage Study. The Town Board reviewed and discussed the varied options within the study. McAndrews noted that this project was not planned and will need to be scheduled in order to be completed. Gregozeski noted the project could be scheduled for 2020 to 2021 in the Town Capital Improvement Plan. Gregozeski also provided an overview of potential special assessment costs should the Town desire to install curb, gutter and storm sewer. The Town Board reviewed and discussed the use of special assessments.

*Motion by Lawrence/Kavanaugh to suspend the rules of order and allow the public to comment on this item. Motion carried 5 to 0 by voice vote.*

- Sherry Boreson (W2828 Kebe Court): Does not support the option of grading the side yard drainage area and have a large ditch. Stated the trail from Kebe Court to the pond was unnecessary. Stated she supports urbanization but does not like the assessment.
- Sandy Rutherford Steffens (W2832 Kebe Court): Stated she does not want the project put off. Felt this should have been done correctly the first time. Stated she cannot afford the assessment.
- Michael Anderson (W2817 Kebe Court): Stated he does not want to have an assessment for the project.

The Town Board reviewed and discussed the options presented by the Town Engineer.

*Motion by Walsh/Reinke to select Option #2; installing a storm sewer in the drainage easement from Kebe Court roadway ditch to discharge at the Main Street stormwater pond and to schedule road reconstruction to Town standards including road ditch reconstruction for the year 2020/21. Motion carried 5 to 0 by voice vote.*

- iii. Letter of Authorization: 2017 Road Paving & Drainage Projects’ Preliminary Engineering - For Discussion & Possible Action. The Town Board reviewed and discussed the proposed authorization to perform engineering services for the 2017 road paving and drainage projects.

*Motion by Walsh/Reinke to approve the Letter of Authorization: 2017 Road Paving and Drainage Projects with Cedar Corporation in an amount not to exceed \$46,300. Motion carried 5 to 0 by voice vote.*

- d). Town Administrator – Update/Monthly Report on Administrative Activities: Administrator Gregozeski provided a brief overview on the following topics: 2016 Key Projects, 2017 Fiscal Year Budget & 5-Year CIP Process – Budget Workshop October 3, 2016, Wisconsin Town’s Association 9/29 Turnout for Transportation, Harrison yard waste site and a traffic impact analysis for Encapsys Development in City of Appleton.

**9. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a). Amendment to CTH ZZ/Haas Road Reconstruction & Jurisdictional Transfer Agreement with Outagamie County – For Discussion & Possible Action: The Town Board reviewed and discussed the proposed amended agreement with Outagamie County for CTH ZZ/Haas Road Reconstruction & Jurisdictional Transfer. The Town Board discussed the fairness of charging the local municipality for the additional 2 feet of paved shoulder. The Town Board discussed the overall costs for the project. Supervisor Walsh requested the Highway Commissioner reduce the overall costs to the Town. Highway Commissioner Steingraber indicated he would need to review this with the County Executive and Committee.

*Motion by Kavanaugh/Reinke to postpone action until a future meeting to allow the Highway Commissioner to review the costs share arrangement and determine if the County can assume more costs of the project. Motion carried 5 to 0 by voice vote.*

- b). Emons Road Speed & Traffic Study – For Discussion & Possible Action: Gregozeski reviewed the traffic studies completed. He noted the 85% speed was under 35 mph for Emons Road. Gregozeski reviewed three alternatives to reduce speed. The Town Board agreed the use of a four-way stop was not an appropriate method for speed reduction. The Board agreed to postpone any immediate action, but continue to budget the reconstruction of Emons Road in 2021. The Board also discussed applying for technical assistance through the East Central Wisconsin Regional Planning Commission for assistance in planning and designing effective speed reduction strategies.

*Motion by Lawrence/Walsh to direct staff to submit Emons Road for speed reduction and pedestrian and bicycle accommodations for technical assistance through the East Central Wisconsin Regional Plan Commission. Motion carried 5 to 0 by voice vote.*

**10. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a). Outagamie County Highway Department Intergovernmental Maintenance Agreement for 2017 – For Discussion & Possible Action: McAndrews reviewed the proposed 2017 maintenance agreement with Outagamie County Highway Department. The Town Board reviewed and discussed the agreement.

*Motion by Kavanaugh/Lawrence to approve the Outagamie County Highway Department Intergovernmental Maintenance Agreement for 2017. Motion carried 5 to 0 by voice vote.*

- b). Ordinance 2016-05 - Repealing and Recreating §495-19 B. Parking Regulations. No Parking Areas: McAndrews reviewed the proposed ordinance stating it adds some parking restrictions to State Park Road. Supervisor Reinke indicated that we could remove the no parking on Emons Road and move the signs to State Park. Gregozeski noted the proposed parking restricts on State Park alternate sides based on the numbered date (even/odd).

*Motion by Reinke/Kavanaugh to approve Ordinance 2016-05 – Repealing and recreating Section 495-19 B. Parking Regulations. No Parking Areas amended to remove no parking on Emons Road. Motion failed 2 to 3 by voice vote. Lawrence, McAndrews and Walsh dissenting.*

*Motion by Walsh/McAndrews to approve Ordinance 2016-05 – Repealing and recreating Section 495-19 B. Parking Regulations. No Parking Areas as presented. Motion carried 4 to 1 by voice vote. Kavanaugh dissenting.*

- c). Little Free Library Project at Buchanan Town Hall – For Discussion & Possible Action: Gregozeski introduced the Town Board to the concept of a little free library. Gregozeski noted that he would construct and have installed the library at no cost to the Town. He noted a Town resident (Betty Moore) is willing to financially support the effort and also volunteer to monitor the library’s contents.

*Motion by Walsh/Lawrence to approve the installation of a Little Free Library at the Buchanan Town Hall using donated materials and labor. Motion carried 5 to 0 by voice vote.*

- d). Employee Health Insurance Plan Renewal – For Discussion & Possible Action: Gregozeski reviewed the renewal options for the employee health plan. The Town Board reviewed and discussed the options available.

*Motion by Kavanaugh/Lawrence to approve the health plan renewal for Option #2 Network Health HDHMO2000 for coverage between November 1, 2016 thru October 31, 2017. Motion carried 5 to 0 by voice vote.*

- e). Resolution 2016-05 - Combining Position of Town Clerk & Town Treasurer – For Discussion & Possible Action. Gregozeski reviewed the resolution to combine the position of Town Clerk and Town Treasurer. Gregozeski also reviewed the revised organizational chart reflecting the proposed changes to begin 2017. Gregozeski noted the Town Board must approve and forward the resolution to Town Electors at the next Town Meeting scheduled for November 10, 2016.

*Motion by Lawrence/Walsh to approve and forward for consideration, Resolution 2016-05 to the Town Meeting scheduled for November 10, 2016. Motion carried 5 to 0 by voice vote.*

*McAndrews called for a 10 minute recess at 9:30 p.m.*

**11. CLOSED SESSION:** *Motion by Lawrence/Walsh to go into closed session for the following items:*

- 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 & Garbage & Recycling 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 & Lowe's Home Centers, LLC V Town of Buchanan Outagamie County Case No. 16 CV 789*

*Motion carried 5 to 0 by roll call vote.*

**Reconvene to Open Session: Possible Town Board Action on Items Discussed in Closed Session:**

Motion by Kavanaugh/Lawrence to reconvene into open session at 9:54 p.m. Motion carried 5 to 0 by roll call vote.

- 12. FUTURE AGENDA ITEMS:** The following items were discussed for a future agenda: Design Standards for Town collector roads. Options for road and highway maintenance.

- 13. ADJOURNMENT:** *Motion by Walsh/Lawrence to adjourn at 10:04 p.m. Motion carried 5 to 0 by voice vote.*

Joel Gregozeski, Administrator/Clerk  
Posted: October 26, 2016

Motion to approve: Walsh/Lawrence      Dated: October 18, 2016    Vote: 5 to 0.