



*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF THE TOWN BOARD MEETING  
TUESDAY, JUNE 19, 2018 AT 7:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

**OPENING:**

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 ó McAndrews, Lawrence, Reinke, Kavanaugh and Walsh. Town officials present ó Town Administrator Brown, Clerk/Treasurer Sieracki, Fire Chief Mohr, Plan Commission Chairperson Ted Erdmann and Deputy Burke from the Outagamie County Sheriff's Department, Town Engineer Thad Majkowski and other members of the public were also in attendance.

**PRESENTATIONS & PUBLIC FORUM:**

4. **PUBLIC HEARINGS: NONE**
5. **PRESENTATIONS:** Presentation by Michelle Strauss, Horton Group, about Town Property and Liability Insurance Coverage. Michelle gave the Board some background history on herself and the working relationship the Town has with Horton. She reviewed the proposed plan and pointed out several key coverage points. The Policy covers the Town's property, general liability, inland marine, auto and worker's compensation insurance policy.
6. **PUBLIC COMMENT FORUM:**
  - Mike Van Lanen, N336 County Rd N, Appleton, stated that Ordinance 2018-07 and 2018-08 have not been fully vetted.
  - Holly DeLong, N350 Candlelite Way, Appleton, submitted pictures of the culvert on Buchanan Rd. She mentioned that both sides of the culvert are having erosion issues and the water is running under the culvert. She feels the culvert was installed incorrectly and put several homes in the flood zone after the culvert was changed.
  - Dennis Reinke, W2553 Buchanan Rd, Appleton, mentioned that at the last meeting Al Gerrits stated he wants to be notified of any changes to the culvert. Dennis was wondering why Al did not notify him or his neighbors when the culvert was changed years ago. He feels that the County supplied the service but Gerrits supplied the mess. He spent Monday making several phone calls and spoke with the DNR. He was told that they could not find a permit and that they would not have issued one. Dennis feels he is losing about 40% of land each year.

**TOWN BOARD BUSINESS AGENDA:**

**7. ORDINANCES FOR INTRODUCTION**

- a). Proposed Ordinance 2018-07 amending Article XIII. Special Exceptions of the Buchanan Municipal Code regarding amendments pertaining to Wisconsin Act 67. Administrator Brown introduced Ordinance 2018-07 and recommended sending this to the Plan Commission.

*Motion by Walsh/Lawrence to have Ordinance 2018-07 amending Article XIII. Special Exceptions of the Buchanan Municipal Code regarding amendments pertaining to Wisconsin Act 67 reviewed by the Plan Commission. Motion carried 5 to 0 by voice vote.*

- b). Proposed Ordinance 2018-08 amending Article XIV. Board of Adjustment of the Buchanan Municipal Code regarding the creation of a Board of Appeals in place of and instead of a Board of Adjustment. Administrator Brown introduced Ordinance 2018-07 and recommended sending this to the Board of Adjustment.

*Motion by Walsh/Lawrence to have Ordinance 2018-08 amending Article XIV. Board of Adjustment of the Buchanan Municipal Code regarding the creation of a Board of Appeals in place of and instead of a Board of Adjustment reviewed by the Board of Adjustment. Motion carried 5 to 0 by voice vote.*

## 8. CONSENT AGENDA

- a). Approval of the Minutes of the May 22, 2018 Town Board Meeting.
- b). Approval of May 2018 Treasurer Statement & Approve Bills.
- c). Operator's Licenses with No Applicable Violations per Town Policy. Operator's License Renewals for July 1, 2018-June 30, 2019, and New Operator's Licenses with No Applicable Violations per Town Policy.

*Motion by Reinke/Walsh to approve all items as provided in the consent agendas as presented. Motion carried 5 to 0 by voice vote.*

## 9. PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:

- a). Application for Conditional Use Permit: Applicant: Steve and Linda Lamers, Parcel ID 030012902; Conditional Use to construct a new home. For Approval/Denial. Plan Chairperson Erdmann introduced the application and applicant Steve Lamers spoke briefly on his application. The Town Board reviewed and discussed the application.

*Motion by Walsh/Reinke to approve the Application for Conditional Use Permit for Steve and Linda Lamers with the condition that the County and DNR approve. Motion carried 5 to 0 by voice vote.*

## 10. ROUTINE REPORTS & ACTIVITIES:

- a). Law Enforcement Monthly/Quarterly Update on Town Law Enforcement Activities. Deputy Burke mentioned that they have been reporting pothole issues and street lights that are out. He has also been busy with ordinance violations. He reminded the public to keep car doors locked and asked them not to leave items of value in their cars. Several items have been taken recently. He also pointed out several car accidents on Eisenhower Dr. near Theater Way, those involved in the accidents have stated obstructions of trees and a utility box.
- b). Fire, EMS & Emergency Management - Update on Fire, EMS & Emergency Management Activities: Chief Mohr reviewed his monthly activities and gave an update on the new fire truck. The expected date of delivery could be as early as September.
- c). Town Engineer Update on Town Engineer Activities
  - i. Contract B17 Building/Garage Update: Engineer Majkowski stated that the hole in the back has been filled in and graded, landscaping still needs to be done. The existing garage will be fixed up in the next few weeks. The stoops by the new side door and the drop box are finished.
  - ii. Contract A18 Project update: Engineer Majkowski mentioned that the ditching has been done on Widgeon Rd and Fox River Rd, concrete curb and gutter has been poured. Landscaping and paving of the roads should be complete next week.
  - iii. Contract B18 2018 Paving Phase II Award: Engineer Majkowski stated that the bid opening was June 13<sup>th</sup>, 2018 and Northeast Asphalt was the lowest bid however the bid was still above the budget. Administrator Brown explained how funds could be reallocated to cover the project.

*Motion by Reinke/Kavanaugh to award Northeast Asphalt Contract B18 -2018 Paving Phase II less the Breezewood Drive improvement. Motion carried 4 to 0 by voice vote, with Walsh abstaining.*

*Motion by Lawrence/Reinke to reallocate budget funds for the Van Handel Drive project, Town Hall Sign, Buchanan Road Improvements and Chip Sealing for \$15,000 to Contract B18 – 2018 Paving – Phase II project. Motion carried 5 to 0 by voice vote.*

- iv. Buchanan Road Culvert: Engineer Majkowski provided a memo that included some information on questions that were asked at the last meeting. The culvert is located at W2553 Buchanan Rd. The original culvert was 40' and replaced in 2000 with the current 120' culvert. He noted that FEMA shows that a detailed flood study was not complete until 2010. It does contain a letter of map revision. The Board discussed this and had several questions for Majkowski. Majkowski stated they did not shoot the culverts upstream but they will. The Board discussed doing some repair work or waiting until Buchanan Road is redone. Majkowski will update the Board at the next meeting.
- v. Treeline Ct Drainage: Administrator Brown mentioned that the man that lives on Treeline Ct, has an easement for the ditch and a detention pond both are for the subdivision behind his house. There is a culvert pipe that joins the two, there is erosion on the pipe and it will wash away. Children do play there and could easily injure themselves. Engineer Majkowski submitted options to clean this up. Brown

would like to look at items 2-5 on the cost estimate, these items total approx. \$2500.00. The Board discussed and asked several questions.

*Motion by Kavanaugh/Lawrence to pay the approx. \$2500.00 to make the improvements on Treeline Ct. Motion carried 5 to 0 by voice vote.*

- d). Clerk/Treasurer
  - i. Update on June Election: Clerk Sieracki stated that the turnout was higher than expected, but went smooth.
  - ii. Election modems upgrade: Clerk Sieracki mentioned that the Town will need to budget for modem upgrades in 2019, could be up to \$400 per DS200. The Town has two DS200s.
- e). Town Administrator Report on Administrative Activities
  - i. Major Project Update: Administrator Brown referred the Board to the spreadsheet.
  - ii. Garner Creek Update: Administrator Brown stated that the consensus among the Administrator is that the Utility has met its original vision to reduce flooding and address Total Suspended Solids. He explained that the Utility has since shifted its scope to water quality, namely meeting the Wisconsin Department of Natural Resources Total Phosphorus (TP) requirements for the watershed. The deadline for meeting that requirement is unknown so the Administrators are recommending the Utility and Commission be dissolved. Administrator Brown did explain the impact on the Town if the Utility is dissolved.
  - iii. Outagamie County Highway Department Projects: Administrator Brown stated that the County Highway Department has two scheduled meetings for the CTH N Design Project. The Public Information Meeting is scheduled for Monday, July 16<sup>th</sup> at 6:30 pm at the Buchanan Town Hall. The Local Official Meeting is scheduled for Monday, July 23<sup>rd</sup> at 6:30 at the Buchanan Town Hall.
  - iv. Request for Qualifications (RFQ) for Engineering Services Update: Administrator Brown explained the process. The Town received 16 Statement of Qualifications. An internal review was conducted with eight (8) firms shortlisted. On June 13<sup>th</sup>, the RFQ Review Committee met to rate those on the shortlist. The Committee selected four finalist: Ayres Associates, Cedar Corp, McMahan and Robert E. Lee & Associates. Interviews with the finalists are scheduled for the week of June 25<sup>th</sup>, after the interviews the Committee will determine the preferred firm and make a recommendation to the Board. The recommendation will be on the July Board meeting.

#### **11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a) Outagamie County Outdoor Warning Siren System and Resolution 2018-09 Resolution Opposing Outagamie County Transferring Ownership and Maintenance of the Outdoor Warning Siren System to Outagamie County Municipalities ó For Approval/Denial. Administrator Brown submitted a letter that was sent to the County Executive and the County Board Supervisors from the Outagamie County Fire Chiefs Association and the Outagamie County Law Enforcement Executive Group stating they have concerns about how this will impact those at the police and fire level. Supervisor Walsh asked for a modification to some of the wording.

*Motion by Walsh/McAndrews to approve Resolution 2018-09 to oppose Outagamie County Transferring Ownership and Maintenance of the Outdoor Warning Siren System to Outagamie County Municipalities as amended. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0.*

#### **12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a) Class óBö Beer License, July 1, 2018-June 30, 2019, Lor Lee, Rice Market, W3192 County Road KK, Suite I, Appleton ó For Approval/Denial. Clerk Sieracki stated that this is an application for a new license and a background check was done on the agent.

*Motion by Kavanaugh/Lawrence to approve the Class “B” Beer License for July 1, 2018 June 30, 2019, Lor Lee, Rice Market, W3192 County Road KK, Suite I as presented. Motion carried 5 to 0 by voice vote.*

- b) Fireworks User Permit, Applicant: Spielbauer Fireworks Co, Location: WIR Racetrack; For July 5, 2018 ó For Approval/Denial. Chairperson McAndrews asked Chief Mohr if he had any issues with the permit. The Chief did not have any issues.

*Motion by Reinke/Lawrence to approve Fireworks User Permit, applicant: Spielbauer Fireworks Co, at WIR Racetrack on July 5, 2018 as presented. Motion carried 5 to 0 by voice vote.*

- c) Horton Group Proposal for Town Property and Liability Insurance Coverage in 2018-2019 ó For Approval/Denial. Administrator Brown asked the Board to approve the new policy stating that Horton Group was the only provider who submitted an apple to apples comparison based on existing coverage. Compared to last year they have proposed a 6.0% increase.

*Motion by Kavanaugh/Lawrence to approve Horton Group Proposal for Town Property and Liability Insurance Coverage in 2018-2019 as presented. Motion carried 5 to 0 by voice vote.*

- d) Request for Living Memorial at Main Street (Emons Road) Pond ó For Approval/Denial. Administrator Brown introduced this request. The Board had some discussion on the request.

*Motion by Kavanaugh/Reinke to table the request for Living Memorial at Main Strret (Emons Road) Pond until the Town has more information from the requestor. Motion carried 5 to 0 by voice vote.*

McAndrews called for a 10 minute recess at 8:50 pm.

- e) 2019 Five Year Financial Forecast (2019-2023) ó For Discussion and Possible Action. Administrator Brown presented the 2019 Five-Year Budget Forecast. He stated that it is a work in progress and it shows a snap shot in time. He reviewed several charts and showed the differential between revenues and expenditures. He stated the Town will face an annual budget gap starting in 2021. Brown would like the Town's goal to be focused on strategic budgetary changes as opposed to indiscriminate line-item adjustments. He also stated that it is important to emphasize that despite facing budgetary challenges, the Town is in good financial condition with adequate reserves.
- f) Modified Special Assessment Policy for Town Capital Projects ó For Discussion and Possible Action. Administrator Brown reviewed the Modified Special Assessment Policy with the Board. The modifications were based on a mix of what 10 other communities do, a review by the Town Engineer and the unique circumstances that exist in the Town of Buchanan. Brown explained the assessment methods and would like the Board to consider the policy questions and provide feedback. Continued discussion on the policy will take place at the August meeting.

### **13. CLOSED SESSION:**

*Motion by McAndrews/Reinke at 10:19 p.m. to move into closed session pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes: the Board may move to Closed Session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0.*

- a). Pursuant to Wisconsin State Statutes 19.85(1)(e), the Board may move to Closed Session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

*Motion by McAndrews/Lawrence at 10:30 p.m. to return to open session. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0*

## **CLOSING:**

**14. FUTURE AGENDA ITEMS** – *Next Town Board Meeting is scheduled for July 17, 2018.. Meeting agenda/discussion items and possible action on future Town Board agenda, including specific items for inclusion on or exclusion from a future agenda include the Modified Special Assessment Policy, Buchanan Rd and Road Design Specifications.*

**15. ADJOURNMENT:** *Motion made to adjourn at 10:35 p.m. by Lawrence/Walsh. Motion carried 5 to 0.*

Cynthia Sieracki, Clerk  
Drafted: June 21, 2018

Motion to Approve Walsh/Reinke Vote: 5 to 0 Dated: July 18, 2018