



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF THE TOWN BOARD MEETING
TUESDAY, OCTOBER 16, 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 7:03 p.m.
2. **PLEDGE OF ALLEGIANCE:** Pledge recited.
3. **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present ó McAndrews, Lawrence, Kavanaugh and Walsh. Town officials present ó Town Administrator Brown, Clerk/Treasurer Sieracki, Fire Chief Mohr, Plan Commission Chairperson Ted Erdmann, Lt. Dietzen and Deputy Fiegel from the Outagamie County Sheriff's Department, Town Engineer Thad Majkowski and other members of the public were also in attendance. Supervisor Reinke joined via telephone.

PRESENTATIONS & PUBLIC FORUM:

4. **PUBLIC HEARINGS:** NONE
5. **PRESENTATIONS:** Braden Thyssen - 1 year service award; Chief Mohr present Braden with his certificate and pin.
6. **PUBLIC COMMENT FORUM**
 - Mike Wagner, N110 Brux Rd, Appleton, stated that he has concerns about the proposed project for County Rd N. He noted that the proposed project has curb and gutter on the east side of the street but not the west side. The west side of the street shows ditches in the proposed project. He stated that the ditches would take quite a bit of his property and would like to see curb and gutter on both sides of the street.
 - Kim Derks, W395 County Rd Z, Kaukauna stated she has lived in her house for 26 years and this is the first year that they are having a storm water drainage problem. The pond needs to be maintained and cleaned up. She is hoping that the Town Engineer has an action plan and the Town Board approves it.

TOWN BOARD BUSINESS AGENDA:

7. **CONSENT AGENDA**
 - a). Approval of the Minutes of the September 18, 2018 Town Board Meeting.
 - b). Approval of the Minutes of the October 2, 2018 Town Board Budget Meeting.
 - c). Approval of September 2018 Treasurer Statement & Approve Bills.
 - d). Operator's Licenses with No Applicable Violations per Town Policy.

Jessica Olson was asked to speak about her applicable violation, she was asked several questions regarding the violation.

Motion by Walsh/Reinke to approve all items as provided in the consent agendas as presented and grant the operator's license to Jessica Olson. Motion carried 5 to 0 by voice vote.

8. **ORDINANCES FOR INTRODUCTION:**
 - a). Ordinance 2018-09 Driveway Permit Fees. Administrator Brown introduced Ordinance 2018-09 Driveway Permit Fees and mentioned that the Board will be able to approve or deny or even table it under agenda item 11(g).
9. **PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:**
 - a). Application for Conditional Use Permit: Applicant: OMNNI Associates on behalf of Outagamie County Highway, Project Location CTH CE & CTH N Interchange; Conditional Use to reconfigure intersection in 2019.

ó For Approval/Denial. Administrator Brown introduced the application and stated the County needs Town consent. Plan Commissioner Erdmann stated that this was approved at the October 8 Plan Commission meeting.

Motion by Lawrence/Kavanaugh to approve the Conditional Use Permit for applicant OMNNI Associates on behalf of Outagamie County Highway, Project Location CTH CE & CTH N Interchange; Conditional Use to reconfigure intersection in 2019. Motion passed 5 to 0 by voice vote.

- b). Application for CSM (CSM #2018-05): Applicant Midwest Expansion, LLP on behalf of Kohlø Value Services, Inc., Parcel IDø 030 051600 & 030 051700; Certified Survey Map Re-Creating Two Lots. ó For Approval/Denial. Plan Commissioner Erdmann stated that the Plan Commission approved the CSM. Administrator Brown added that the CSM is needed to change the boundary lines on the parcels.

Motion by Walsh/Lawrence to approve the application for CSM #2018-05. Motion passed 5 to 0 by voice vote.

10. ROUTINE REPORTS & ACTIVITIES:

- a). Law Enforcement ó Monthly/Quarterly Update on Town Law Enforcement Activities. Lt. Dietzen mentioned that for the third quarter there were 1,365 reported calls. Starting in January the County will be using new software allowing online access for the public to review calls. More defibrillators are needed and the AEDø are getting old. He also stated that since the combining with Combined Locks all shifts have been covered with some having dual coverage.
- b). Fire, EMS & Emergency Management - Update on Fire, EMS & Emergency Management Activities. Chief Mohr stated that his monthly report was in the packet. He mentioned that the Buchanan Fire Department and EMS have been working with Combined Locks. The department is still looking for members for the Fire Department and he is continuing to explore options.
- c). Town Engineer ó Update on Town Engineer Activities
- i. Hickory Park ó Drainage Study ó Review. Engineer Majkowski reviewed the drainage study with the Board. The scope of services included a field survey of the existing ditch grades, edge of roadway pavement, 20ø easement area between the N203 and N207 Briarwood Drive properties and 60ø drainage easement area to determine what can be done to improve the drainage for the area. The intent of the study was to evaluate a way to lower the water elevation below the Briarwood Drive asphalt elevation to decrease the stormwater that overtops the roadway during a large storm event. He pointed out the problem areas which include the roadway ditches, the driveway culverts, the 20ø drainage easement between N203 and N207 Briarwood Drive and the 60ø backyard drainage easement between Hickory Park Drive and Block Road. He reviewed the possible solutions which include for the roadway ditches: heavy vegetation maintenance, ditch cleaning or reconstruction to Town standards. Options for the 20ø drainage easement are: clean existing 18ø corrugated HDPE culvert pipe, replace existing 18ø corrugated HDPE culvert pipe or regrade 20ø drainage easement. The 60ø drainage easement is very flat, but it is not cost-effective at this time to re-grade the easement because all of the downstream culverts will have to be modified to get the proper slope. It should also be monitored to determine if any of the items (i.e., fences, swimming pool, landscaping, and trees) are causing issues with the stormwater conveyance. These items are not allowed to be in the drainage easement and the Town has the authority to remove them if necessary. He reviewed the cost estimate summary and recommended the Town Board review the study. He mentioned an option would be to televise the existing culvert to determine what is blocking the pipe and how it can be removed. The Board may need to include this project on the CIP for next year and hold a public information meeting to determine who pays for what. The Board agreed the Administrator should have the culvert pipe televised.
 - ii. Red Hawk Heights ó Storm Water Review. Engineer Majkowski stated that this subdivision has stormwater management facilities constructed within it. The maintenance should be shared by everyone in the subdivision and should be done for the entire stormwater management facility. Justin Keen from Cedar Corporation provided the inspection summary that listed several items requiring maintenance. The DNR and County should be contacted to verify if any permits are needed. The Town will verify what maintenance is needed and the cost should be shared by everyone in the subdivision. The cleaning may need to wait until spring. The Board agreed that Engineer Majkowski and Justin Keen should see what permits may be needed. The Board would like the grates put back on and the heavy vegetation cut down.

- iii. Contract B17 ó Building/Garage Closeout. Engineer Majkowski has been in contact with the contractor to close out the project. They need to finalize any restocking charges and what materials the Town may need to dispose of. Majkowski would like to have this closed by the November meeting.
- iv. Contract B18 ó 2018 Paving ó Work Change Directive No. 3 and No. 4 - Change Order No. 1 and Payment Request No. 1 ó For Approval/Denial. Engineer Majkowski reviewed Change Order No. 1 which included four items: time extension, culvert on Tamarack Dr the homeowner will be billed, and two culverts on Tamarack Circle and those homeowners will be billed. Total \$5,441.20.

Motion by Reinke/Lawrence to approve Change Order No 1 for \$5,441.20. Motion carried 4 to 0 by voice vote with Walsh abstaining.

Engineer Majkowski reviewed Pay Request Order No. 1 for contract B-18 2018 Paving ó Drainage Improvements ó Phase II. Total \$213,795.99. Town Board will have final pay request at the November meeting.

Motion by Kavanaugh/Reinke to approve Pay Request No 1 for \$213,795.99. Motion carried 4 to 0 by voice vote with Walsh abstaining.

- v. Warranty Issues ó Update. This is progressing and very close to being completed.
- d). Clerk/Treasurer
- i. Update on November Election. Clerk/Treasurer Sieracki stated that training for the election workers will be October 18 at 11:00 a.m. The Public test will be October 30 at 10:00 a.m. In person absentee voting will begin October 22 and end November 2, during normal business hours. All of our election workers will be working on Election Day. On Election Day, Lamers Dairy is suppling milk for the workers and the Town will purchase food from Festival Foods for breakfast, lunch and supper. Festival has been gracious enough to discount the purchase.
 - ii. Update on P-Card. Clerk/Treasurer Sieracki mentioned that the P-Card has been issued to the Town. Staff will complete the process and start using the card in the very near future.
 - iii. Update on Deputy Clerk/Treasurer opening. Clerk/Treasurer Sieracki mentioned the job opening has been posted in several places. Several resumes have been received, many of which are not qualified. Staff is confident we will find several qualified candidates. If temporary help would be needed in the front office, Staff will reach out to the election workers for availability. Other options may be considered, as necessary.
- e). Town Administrator Report on Administrative Activities
- i. Major Project Update. Administrator Brown referred the Board to the spreadsheet.
 - ii. Garnerø Creek Stormwater Utility Update. Administrator Brown stated that on Thursday, October 4th Garnerø Creek Stormwater Utility Commission met and reviewed two agreements. The two agreements are as follows: 1) the dissolution of the Garnerø Creek Storm Water Utility and Commission; and 2) a joint cooperation agreement to move forward as individual municipalities, but continue to work cooperatively in achieving WDNR TMDL requirements. After reviewing each of them and providing comment the Commission voted to table the item because they wanted to see a clean version of the document since there were a number of rather minor modifications.

The Utility Commissionø next meeting is scheduled for October 18th. If they approve the agreements it would then go to each communities elected body for approval.
 - iii. 2019 Budget ó
 - a.) Comprehensive Zoning Code Review (ECRPC Assistance). Administrator Brown noted that with the number of ordinance modifications over the past few years it has become apparent that a comprehensive review of the zoning ordinance should be undertaken. This is also another step in identifying what type of community the Town wants to be now and into the future. Staff was initially planning on engaging East Central Regional Planning Commission as a partner under the cost-free, or low cost, Technical Assistance Program. However, based on the scope of work, they would need to consider this a larger contractual project.

In order to complete the project in 2019 \$18,000 in the Capital Budget would need to be reallocated from Roads & Public Works to General Government. By doing this it would not have a material effect on any planned programming with the existing or remaining funds. If the Board agrees, a third party planning organization would be engaged to spearhead a coordinated effort to complete this complex and crucial project with a work team composed of staff, elected and appointed officials, and residents.

The Board agreed to reallocate the funds.

- b.) Personnel Manual. Administrator Brown mentioned that during 2019, the Personnel Policy Manual will be rewritten. Based on feedback from the Town's Attorney this should be done to ensure the Township is in compliance with all Federal and State legislative requirements.
- iv. Town Hall Personnel
 - a.) Maintenance Worker Position - Dan Dillenberg has been hired to serve as a Maintenance Worker and will begin working for the Town on Wednesday, October 31, 2018. Mr. Dillenberg has over 25 years of facilities management experience. Most recently, he was a Building Engineer for the Appleton Area School District.
 - b.) Deputy Clerk/Treasurer Position - The Deputy Clerk/Treasurer, Patty McGowan, resigned from her position on Friday, October 5, 2018. Town Staff wished Ms. McGowan the best of luck in her future endeavors.

11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION: NONE

12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a). Appointments by the Chairperson to various Boards & Commissions ó For Approval/Denial

Plan Commission (Chairperson)
Ted Erdmann, W2695 Hillside Drive, Appleton, WI 54915
Term expiring July 1, 2021

Motion by Walsh/Lawrence to approve Ted Erdmann to the Plan Commission (Chairperson) to a term expiring July 1, 2021. Motion carried 5 to 0 by voice vote.

Plan Commission
Joseph Coenen, N1657 Outagamie Road, Kaukauna, WI 54130
Term expiring July 1, 2020

Motion by Walsh/Reinke to approve Joseph Coenen to the Plan Commission to a term expiring July 1, 2020. Motion carried 5 to 0 by voice vote.

- b). Agendizing Buchanan Road Culvert ó For Discussion and Possible Action. Administrator Brown explained that currently the Town does not have a policy about rescinding a previous motion that was made and passed. As a guide on how to proceed Robert's Rules of Order has a section on rescinding, repealing, or annulling a motion. A written statement from Supervisor Reinke was submitted as part of the public record. The Board discussed.

Motion by Lawrence/Kavanaugh to bring back the Buchanan Road culvert topic. Motion failed with a 2 to 2 vote. Lawrence aye, Kavanaugh aye, Walsh nay, McAndrews nay, Reinke abstained.

- c). Town Road Specifications ó Curb Face Type ó For Discussion and Possible Action. Administrator explained each curb face type. Barrier curbs are usually concrete structures with a vertical curb face. This type of curb creates a barrier between a vehicle and an area where you do not want them, e.g., on terrace or sidewalk where pedestrians may be located. This assists in preventing a vehicle from entering these areas and causing bodily injury and/or vehicular damage. Curbs that cannot be crossed without damage or discomfort must have sections where the heights of the curbs are reduced for vehicular entrances. The low portions are usually referred to as depressed curbs. When curbs are constructed in areas where buildings have already been erected and driveways established, the depressed portions can be easily designated.

Mountable curbs are usually concrete structures with a sloped curb face. This type of curb allows vehicles to drive up onto the curb and into the terrace area. This aspect is helpful in developing communities. When curbs are constructed in areas where building have not been erected and driveways established, mountable curbs are usually preferred. However, if there is heavy loading from equipment during the building process it may necessitate the replacement of the curb.

He pointed out the pros and cons on each one. The Board discussed.

Motion by Kavanaugh/Reinke to go with the mountable (California) style curb with a 30" roll curb. Motion passed 3 to 2 with Walsh nay, McAndrews nay.

- d). Auditing Services Contract with Schenck SC for a three year period from 2018-2020 ó For Approval/Denial. Administrator Brown reviewed the three year audit services agreement with Schenck SC.

Motion by Walsh/Kavanaugh to approve a three-year audit service agreement with Schenck SC for fiscal years 2018-2020. Motion carried 5 to 0 by voice vote.

- e). Position Description, Wage & Compensation for Administrative Intern Position ó For Approval/Denial. Administrator Brown reviewed the proposed job description for the Administrative Intern and the 2019-2020 anticipated projects for the Administrative Intern. The Board discussed.

Motion by Lawrence/Kavanaugh to approve the job description for the Administrative Intern Position. Motion carried 5 to 0 by voice vote.

- f). Outagamie County Highway Department CTH N Road Design and Funding.

Town Chairperson McAndrews asked the Board to make a motion to suspend the rules.

Motion by Walsh/Kavanaugh to suspend the rules to allow Mike Wagner and Megan Possin to speak on the design for CTH N. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Motion carried 5 to 0.

Administrator Brown stated that in August the Board discussed the CTH Road N project and that a number of issues were identified, one of those items was the property impacts on the west side of the road. The first issue is N201 Whitetail Ridge Court. As outlined in the letter from Timber Innovation, the property owner has a geothermal field below gas and electrical lines and based on the current design have determined that the system may be compromised due to the amount of property lost via property acquisition by the County to complete the road project.

Another issue is N121 County Road N. The property owner would like to rezone the property and build a 6,000 square foot Class A professional office building. However, the property owner is less inclined to develop the site if the existing road design and project are complete. The site plan shown, illustrated how there is conflict on the County Road N side of the parcel. The red hashed area is property the County would have to acquire for the project, which eliminates parking for the proposed building.

The third issue is the newly adopted Town Road Specifications. On a road of this nature, the typical section calls for curb and gutter on both sides and pedestrian facilities. These elements on not included in the current design plans on the west side of the road south of Whitetail Ridge Court.

Administrator Brown would like the Board to allow himself and the Town Engineer to continue working with the County on tying the trail and sidewalk together and as another item, to urbanize the west side of the road. The section of road would be from Whitetail Ridge Ct south to County Road KK.

The following residents spoke on the subject:

- Mike Wagner, N121 County Rd N, Appleton stated that he would like to eliminate the ditch and have the road urbanized, he would not be losing property with curb and gutter. He mentioned that the reason the County would be taking so much property is because they want a 5ø gravel shoulder and will be making the ditch much wider according to the current plan.

- Megan Possin, N201 Whitetail Ridge Ct, Appleton stated that if the road had curb and gutter her geothermal system would not be disturbed based off the information she was provided. She mentioned that the current plans appears to be taking most of their backyard.

The Board agreed to authorize Administrator Brown to explore possibilities for the road design.

- g). Ordinance 2018-09 Driveway Permit Fees ó For Approval/Denial. Administrator Brown mentioned the Board could vote on this now or table it for a future meeting.

Motion by Kavanaugh/Lawrence to approve Ordinance 2018-09. Motion carried 5 to 0 by voice vote.

- h). Resolution 2018-12 Resolution Establishing a Driveway Permit Fee ó For Approval/Denial. Administrator Brown introduced the resolution and the Board discussed.

Motion by Walsh/Reinke to approve Resolution 2018-12 to establish a Driveway Permit Fee to be included in the 2019 fees and licenses schedule. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0.

13. CLOSED SESSION: NONE

CLOSING:

- 14. FUTURE AGENDA ITEMS** – *Next Town Board Meeting is the budget meeting scheduled for November 13, 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 including an update on Update on Lamar Central Outdoor, LLC Petition for Judicial Review and the SUV the Town Deputies were driving.*

- 15. ADJOURNMENT:** *Motion made to adjourn at 8:55 p.m. by Walsh/Reinke. Motion carried 5 to 0.*

Cynthia Sieracki, Clerk
 Drafted: October 22, 2018

Motion to Approve: Reinke/Walsh Vote: 5 to 0 Dated: November 13, 2018