



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF THE TOWN BOARD MEETING
TUESDAY, SEPTEMBER 18, 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, Deputy Ross from the Outagamie County Sheriff's Department and other members of the public were also in attendance.

PRESENTATIONS & PUBLIC FORUM:

4. **PUBLIC HEARINGS:** NONE
5. **PRESENTATIONS:** NONE
6. **PUBLIC COMMENT FORUM**
 - Mike Winius, N176 Van Handel Dr., Appleton made comments on the water drainage issue and the Van Handel Dr. road project. He feels bad decisions were made in the past and is hoping the changes with the roads are not just because of Van Handel Dr. He mentioned the article in the Times Villager about the options for paying for the Capital Improvements. He states that the Van Handel subdivision was designed to only drain for one subdivision when it is actually draining for three. He was wondering if the Board has looked at past history for special assessments and is wondering what the engineer is requesting. He would like a public forum so the public could give input.
 - Kim Derks, W395 County Rd Z, Kaukauna stated that they are having a storm water drainage problem and that their backyard has flooded several times. She stated that one of the plates was taken out of the retention pond and that the culvert is over grown. She is wondering if the plates can be put back in and if the creek will be cleaned out.
 - Robert Derks, W395 County Rd Z, Kaukauna stated that in the restrictions and covenants of the subdivision if the ponds are not taken care of then the County or Town can. He would like something done before winter.
 - Greg Sprangers, W3045 Emons Rd, Appleton mentioned he wanted to talk about the proposed assessments to improve the roads to urban status. He feels this doesn't accurately represent everyone in the Town. He opposes curb and gutter and feels the best answer is open ditches. He feels the Town is going in the wrong direction. He feels the Board members are not representing the people.
 - Brian Starzek, N175 Van Handel Dr., Appleton is wondering why the Ordinance isn't enforced on tall grass. He doesn't feel curb and gutter is the answer for Van Handel Dr. Some areas will need the storm sewers since some areas are flat, but this is not the answer for the entire Town.
 - Holly DeLong, N350 Candlelite Way, Appleton stated that she wanted to know why the Buchanan culvert was taken off the agenda. She stated that several homes were put in the flood zone when the culvert was changed. With the heavy rains, this change caused several homes to go under water. She asked that this be put back on the agenda and would like to see the problem corrected.
 - Jack Walsh, N320 Breezewood Dr., Appleton stated that at the last meeting motions were on the floor to fix the culvert but nothing was done. He stated the Board needs to make decisions and state why they are making that decision.
 - Dennis Reinke, W2553 Buchanan Rd, Appleton stated that he agrees with Holly. He is worried the road will be washed out and that changing the direction of the culvert had caused this problem.

TOWN BOARD BUSINESS AGENDA:

7. CONSENT AGENDA

- a). Approval of the Minutes of the August 21, 2018 Town Board Meeting.
- b). Approval of the Minutes of the July 23, 2018 Special Town Board Meeting.
- c). Approval of July 2018 Treasurer Statement & Approve Bills.
- d). Operator's Licenses with No Applicable Violations per Town Policy.

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

8. ORDINANCES FOR INTRODUCTION: NONE

9. PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:

- a). Application for Site Plan (2018-01): Applicant Mach IV Engineering & Surveying LLC, Robert Mach, Site Plan Application for Eagle Mini Storage Pizon LLC, Parcel 030 066205 for Approval/Denial. Plan Commissioner Erdman introduced the site plan application. Administrator Brown explained that an additional lighting plan was submitted.

Motion by Walsh/Reinke to approve application for Site Plan (2018-01): Applicant Mach IV Engineering & Surveying LLC, Robert Mach, Site Plan Application for Eagle Mini Storage Pizon LLC, Parcel 030 06620 with the condition that the lighting is up to code. Motion carried 5 to 0 by voice vote.

10. ROUTINE REPORTS & ACTIVITIES:

- a). Law Enforcement's Monthly/Quarterly Update on Town Law Enforcement Activities. Deputy Ross stated that the speed limit has changed on KK and deputies from Buchanan, the Village of Harrison and Calumet County are enforcing the speed limit change. He also mentioned that when he is on duty he does storage unit checks.
- b). Fire, EMS & Emergency Management - Update on Fire, EMS & Emergency Management Activities. Chief Mohr stated that his monthly report was in the packet. He reminded the Board that Safety Day is Saturday, September 22 from noon to 3:00 p.m. He mentioned that he just sold the van and he is working on selling the old engine and working on getting the new engine in service.
- c). Town Engineer's Update on Town Engineer Activities
 - i. Contract B17's Building/Garage's Update: Administrator Brown stated that the Town made an offer on the property on KK, a counteroffer was then made back to the Town. Unfortunately, before the Town could respond back the owner received an offer over the amount the Town could offer. A site for the garage and garbage/recycling will not happen this year. Several decisions will still need to be made with the materials and funds, a plan will be brought forward in October.
 - ii. Contract B18's 2018 Paving's Phase II's Update. Administrator Brown gave an update on the road reconstruction on Tamarack Dr., Tamarack Circle and Maplewood Court. He stated that the rain has caused some delays, subsequently a four (4) day extension was given to complete the project.

Work Change Directive #1's Time Extension from October 1st to October 5th

Motion by Reinke/Lawrence to approve Work Change Directive #1 as presented. Motion carried 4 to 0 by voice vote with Walsh abstaining.

Work Change Directive #2's Widen a Driveway's Property Owner Cost

Motion by Reinke/Lawrence to approve Work Change Directive #2 as presented. Motion carried 4 to 0 by voice vote with Walsh abstaining.

- iii. Hickory Park's Drainage Study's Update. Administrator Brown stated that Cedar has completed the site work and will evaluate the data and present a report in October. An easement culvert was televised with the assistance of Darboy Joint Sanitary District and an obstruction was found 50' up the inlet. The County will be asked to jet it out however other improvements will also be needed.

- iv. Red Hawk Heights ó Storm Water Review. Administrator Brown stated that the preliminary report is complete. It still needs to be reviewed and once that is done Brown will review the results with the Derks and other interested residents.
- v. CTH N ó Letter of Authorization ó Road/Sidewalk/Trail Options for Pedestrian Accommodations. Administrator Brown mentioned that the Town is proposing to construct with the County, the portion from CTH KK to the north beginning of the proposed roundabout splitter lanes. Cedar will review existing locations and conditions of the pedestrian facilities that are proposed to be connected and several other items. The cost range is \$3,000 to \$3,800.

Motion by Walsh/Lawrence to approve Letter of Authorization for CTH N with a cost not to exceed \$3,800. Motion carried 5 to 0 by voice vote.

- vi. Storm Water Reviews ó Letter of Authorization. Administrator Brown stated that staff is looking to move the storm water reviews from McMahon to Cedar.

Motion by Reinke/Kavanaugh to approve Letter of Authorization for Storm Water Reviews. Motion carried 5 to 0 by voice vote.

d). Clerk/Treasurer

- i. Update on Chargeback for Lowes. Clerk Sieracki stated that the Department of Revenue responded with a preliminary chargeback determination for assessment year 2016 and assessment year 2017. The DOR will certify the total amount for each taxation district and taxing jurisdiction by November 15, 2018. Each taxing jurisdiction is required to pay the total amount it owes to the taxation district by February 15, 2019.
- ii. Update on P-Card. Clerk Sieracki noted that setting up the online access will be the next step, after that is complete we will be issued the card.
- i. Update on Copier & Express Vote Machine. Clerk Sieracki mentioned that the copier has been ordered and will be here on Wednesday. The old copier will be donated to Advocap, they are a nonprofit organization in the Fox Valley. The Express Vote Machine arrived on Monday.

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 the Town Attorney has been contacted to determine if the dissolution of GCSWU will result in a defacto repeal of the existing Town Code for a stormwater utility. After consulting with him, he feels it will, however the Town has the ability to open a stormwater utility or a sanitary district in substitution of what is currently in effect. Simultaneous to this discussion, the Utilityø Legal Counsel and Engineer have been assembling two agreements to achieve separate objectives. These objectives 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.

Dependent on the status of the draft agreements, a continued discussion with the Utility Commission about dissolution would occur at their October meeting, which is October 4th at 6:30 p.m. at the Village of Combined Locks Village Board Room.

- iii. Accurate Assessment Update. Administrator Brown mentioned that the three-year contract with Accurate Appraisal, LLC has been executed.

Last week Wednesday, September 12th and Thursday, September 13th Accurate started preliminary field work. After reviewing all parcel cards that were classified as a øGø site or Other (Agricultural) they found some that did not have a site map and each one is required to have one. So, they are going onsite to update the Agricultural parcel maps to show where the buildings are located and get pictures for the parcel card.

- iv. Access to Parcels ó Driveway vs. Culvert Permit. Administrator Brown explained that the Town issues øDrivewayø permits, however there is some ambiguity that needs to be clarified.

Under [456-3 A](#) Driveways. it states a "person shall not construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Town Building Inspector." The significant piece here is there is no authority given to assess a fee for this specific permit. Here are a couple of examples: 1) if a person needs to establish a driveway off of a driveway easement, but they don't need to install a culvert; and 2) If a person has an existing driveway across a ditch but needs to extend the driveway within the property to an accessory structure and not install a culvert. In these instances, the Town requires a permit and is subsidizing applicants who install or maintain any driveway, i.e., there is no amount of money paid by an individual or business for the time spent by Staff to review the plans and make sure they are compliant with the Town Code.

Whereas, for [456-4 B](#). Permit required for culverts. it states, "The Town Board shall designate a permit fee which amount shall be paid prior to the issuance of any permit." This would include any installation or removal of a driveway and culvert. Framed somewhat differently, Staff can assess a fee for culvert installations and removal, but cannot if it is just a driveway. In both cases, they have impacts the Town should review.

To account for this inconsistency at the next Board meeting Staff will bring forward an ordinance modification to [456-3](#) adding a section to assess a fee for a "Driveway" permit. Staff may request the standard practice of ordinance introduction be suspended to be able to adjust the License and Fee Schedule prior to its approval.

- v. Town Road Specifications. Administrator Brown reviewed the road specifications adopted at the August Board meeting.

11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a) CIP Project Financing Approach ó Modified Special Assessment Policy for Town Capital Projects ó For Approval/Denial. Chairman McAndrews gave an overview on how the Town got to this point. Administrator Brown reviewed the proposed policy. He explained that the policy was adopted in 2008 and that the Town cannot continue to pay the entire cost of the project. He reviewed the options that the Board considered and that the Town has limited options. The Town ditches are not functioning the way that they should so ditches will not solve the drainage issues. If the roads aren't fixed the passer rating will continue to decrease. The Board discussed the issues.

The Board needed to answer the following questions

- A. Should the road construction and stormwater facilities be assessed on a per lot basis? Yes
- B. Should the Town or the benefiting parcels pay for curb and gutter? The property owner
- C. Should the Town or benefiting parcels pay for driveway aprons? Property owner expense but they can have either asphalt or concrete as an option.
- D. Should the Town pay for stormwater management facilities (ponds)? Yes
- E. Who should pay for the sidewalks? The Town

Motion by Walsh/Kavanaugh to approve the Modified Special Assessment Policy for Town Capital Projects as modified. Motion carried 5 to 0 by voice vote.

Motion by Reinke/Lawrence to suspend the rules to allow the public to speak for a time not to exceed two (2) minutes. Roll call vote taken: McAndrews: Nay, Lawrence: Aye, Kavanaugh: Aye, Walsh: Nay, Reinke: Aye. Carried 3 to 2.

The following residents spoke on the subject:

- Jack Walsh, N320 Breezewood Dr., Appleton asked the Board to just make a decision stating that is what they are here to do.

- Mike Van Lanen, N336 County Rd N, Appleton stated that he is in favor of the 42 year plan but would like to see a 35 year target.
- Brian Starzek, N175 Van Handel Dr., Appleton feels that Van Handel Dr. doesn't have a problem, the problem is with Hank Dr.
- Mike Winius, N176 Van Handel Dr., Appleton asked who benefits from the drainage, stating that everyone should be assessed. He was also wondering about the covenants.
- Ted Erdmann, W2695 Hillside Dr., Appleton, he is glad the Board is making a decision and stated that special assessment is just the way it is with every municipality. We need to take care of the water issue and it's about time the Town goes with an assessment.

Motion by Lawrence/Kavanaugh to approve the 42 year road program as presented. Motion carried 5 to 0 by voice vote.

12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a). Emergency Road Repair on Brookhaven Drive ó For Approval/Denial. The Board discussed this item.

Motion by Reinke/Lawrence to approve Emergency Road Repair on Brookhaven Drives. Motion carried 4 to 0 by voice vote. With Walsh abstaining.

- b). 2019 Budget Resolution 2018-10 Resolution Authorizing a Special Charge for Garbage, Recycling and Yard Waste Collection Services for Tax Year 2018 ó For Approval/Denial. Administrator Brown explained that the Town has had a regular practice of funding garbage, recycling and yard waste collection services by pro rating the cost of the program and charging each dwelling unit that receives the service a special charge. As was discussed last year, the State of Wisconsin only allows a special charge to be collected once the service has been rendered. This means the cost of the 2018 service will be charged on the 2018 tax year bill.

The special charge amount will be \$142.24. This is a 7.7% (\$10.14) increase over the 2017 amount. There are a number of contributing factors. The most significant is the five year agreement the Town signed with Advanced Disposal. In the approved agreement the per unit per month cost for garbage and recycling increased 5% to \$8.50. The cumulative impact of this change, along with the increase in the dwelling unit count, is approximately \$15,000. In addition, the budget assumption for yard waste collection and fuel surcharge had to be adjusted to more accurately reflect the cost

Motion by Lawrence/Reinke to approve Resolution 2018-10 Resolution Authorizing a Special Charge for Garbage, Recycling and Yard Waste Collection Services for Tax Year 2018. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0.

- c). CTH KK Corridor ó State Park Road to STH 55 ó For Discussion. Administrator Brown stated that at the August Town Board meeting there were a few residents who voiced their concern about the speed limit on CTH KK during the Public Forum portion of the meeting. As requested by the Board Staff followed up on this concern by contacting the Outagamie County Highway Department. After reviewing the resident comments the Highway Commissioner explained that they had recently completed a lengthy effort to study this area. As a first step in May and June 2018 they undertook an Engineering and Traffic Speed Study óto determine the reasonable and prudent speed limit on CTH KK between State Park Road and Highway 55.ö At the time the two-lane rural highway had a speed limit of 55 mph over a 1.4 mile stretch.

To identify the volume of traffic a counter was placed east of State Park Road and west of STH 55 roundabout (RAB). The daily vehicle total east of State Park Road was 9,099 and the daily total west of STH 55 RAB was 7,694. Of those vehicles, approximately 50% were cars driving on average 52 mph. However, the 85th percentile speed was 59 mph in each direction.

Over a three-year period there were 25 crashes in this corridor. 48% of these ended up being rear end crashes. Most of these are eastbound when a vehicle is slowing or stopping to take a left hand turn onto a street or into a business. Of the total crashes, 36% resulted in some type of injury.

Based on the findings from the traffic and crash analysis, there were two recommendations to assist drivers who are having trouble slowing down in time for those turning into homes, adjacent streets or businesses. One option was to add turn lanes for some of the businesses. The other preferred recommendation was to lower the speed

limit from 55 mph to 45 mph because of the increase in traffic volumes, development along the highway, and specific crash trends.

After the Outagamie County Board reviewed this study and recommendation in July and August 2018 they approved decreasing the speed limit to 45 mph. The signage to make this change was posted the week of August 20th. The same week residents came in to voice their concern.

The change in speed limit has been posted for a short period of time, but in speaking with the Highway Commissioner he would be open to ideas to make this area even safer

- d). Chapter 230, Article VIII. Erosion and Sediment Control & Residential Review and Inspections & For Discussion. Administrator Brown explained the current process for Erosion and Sediment Control. Currently, the Town charges Single and Two-Family Residential projects a flat fee of \$300 for review and inspections of Erosion Control and Stormwater Management (EC&SWM) Plans. The existing fee structure forces the Town to subsidize projects that take longer, which happens more than is tolerable. After looking into this issue further there are projects still open from 2015.

As a result of this issue for future permits, Single and Two-Family Residential projects will have the same flat fee, plus an escrow amount the applicant has to remit to the Town for the cost of fulfilling the EC&SWM Plan. In addition, the permit duration will be six (6) months for all permits. By having a financial guarantee and limiting the permit duration it should alleviate the Town from subsidizing individual residential projects.

McAndrews called for a ten minute recess at 9:00 p.m.

13. CLOSED SESSION:

Motion by Kavanaugh/Lawrence at 9:09 p.m. to move into closed session pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes: the Board may move to Closed Session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Review of performance evaluation data for Town employees. Roll call vote taken: McAndrews: Aye, Lawrence: Aye, Kavanaugh: Aye, Walsh: Aye, Reinke: Aye. Carried 5 to 0.

- a.) 2018 Annual Performance Evaluation of the Town Administrator

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.

Reconvene to Open Session: Possible Town Board Action on Item Discussed in Closed Session.

Motion by Kavanaugh/Lawrence at 9:26 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.

Motion made by Walsh/Lawrence to increase the Town Administrator's salary by 3.5%, as well as add an additional twenty (20) hours of vacation time effective January 1, 2019. Motion carried 3 to 2 by voice vote with Reinke and Kavanaugh dissenting.

CLOSING:

- 14. FUTURE AGENDA ITEMS** – Next Town Board Meeting is the budget meeting scheduled for October 2, 2018. Then October 16, 2018 is the next scheduled Town Board Meeting. Meeting agenda/discussion items and possible action on future Town Board agenda, including Town Road Specs. –Curb style: mountable vs. traditional, Buchanan Road – Vote to put item on agenda.

- 15. ADJOURNMENT:** Motion made to adjourn at 9:37 p.m. by Walsh/Kavanaugh. Motion carried 5 to 0.

Cynthia Sieracki, Clerk
Drafted: September 21, 2018

Motion to Approve: Walsh/Reinke Vote: 5 to 0

Dated: October 16, 2018