

Town of Winchester
8522 Park Way, Larsen, WI 54947
Town Board
Minutes
August 21, 2017
7:00 p.m.

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll call

Present were Chairman Kriescher, Supervisor Mathison, Supervisor Joas, Treasurer Schwartzbauer, and Clerk Stevens. Also present were 6 community members and 2 Winnebago County Deputies.

B. APPROVAL OF MINUTES

August 7, 2017 Town Board Meeting Minutes were presented by the clerk.

Supervisor Joas noted the Supervisor Mathison was listed as absent, when in fact, he was present. He also noted a spelling correction changing Lucy Lane to Lucky Lane.

MOTION:

Supervisor Mathison made a motion to approve the minutes as corrected
Second by Supervisor Joas
Motion carried by unanimous voice vote

C. PUBLIC COMMENT

Winnebago County Deputy Bauer and Deputy Olig were in attendance and asked if anyone attending had any concerns they would like to share with them. No concerns were expressed. The officers then explained they have had numerous calls regarding vandalism at golf courses all over the County and they requested that if anyone sees anything suspicious whatsoever, that they call and report it immediately.

Dan Buser, 8965 Faith Road, stated he would like to make a request to the Town Board. He explained that he has a dry hydrant in the pond by his home on Faith Road which he almost wholly paid to install with the exception of a brass cap which the Town paid for at the time of installation. He noted he has maintained the hydrant and keeps it clear 12 months of the year for the Department to access if needed. He continued by stating that he would like to move the hydrant to a new pond to place it closer to Bison Road. He noted he already contacted a diving service for an estimate to move the hydrant, who estimated the work at a cost ranging from \$150.00 to \$200.00. He stated he intended to contact the Winnebago County Dive Team to see if they would be willing to perform the work, but was concerned that they would not due to possible liability issues. Mr. Buser noted that when the Larsen Coop burned, the power was shut down to all of Larsen and as a result, his hydrant was one of the only water source available. Mr. Buser asked the Town Board if they would consider paying for the diver to move the hydrant location.

Chair Kriescher asked the Board members what they thought. Supervisor Joas asked that we add the discussion to the agenda for the next Town Board Meeting.

Supervisor Mathison noted a correction in the Plan Commission Meeting Minutes Draft which was included with information for the Plan Commission Business items which are included on the agenda for consideration later in the meeting. Clerk Stevens noted the correction.

D. OLD BUSINESS

1. Roads—Discussion / Action

a) Commissioners of Public Lands Loan Application—Update

Chair Kriescher noted he had signed the disbursement paperwork Friday afternoon. Clerk Stevens stated she sent the completed paperwork to the Commissioners of Public Lands via UPS overnight service and that it was delivered earlier in the day directly to their office. She noted that per Supervisor Joas' direction, she requested a wire transfer for the funds to be sent on August 22, 2017 or as soon as possible to that date.

Clerk Stevens asked the Board if Martenson & Eisele (M & E) would be submitting a pay request to direct disbursement of payment for the Sauby Road Project. Supervisor Joas confirmed that M & E would be sending a pay request after the project is completed.

b) Open Projects---Review and Update

The Board reviewed the paving project for Sauby Road. Supervisor Joas noted he had driven on the road and the shouldering and some touch-up work remains, but overall the project is looking very good. Supervisor

Mathison noted the paving was completed on Monday, August 14, 2017. He also noted the pulverizing had been completed the Friday before, August 11, 2017.

Supervisor Mathison also noted he received a call thanking the Board for having the dip on Mudd Creek Road repaired. He also noted he had called Chair Kriescher regarding a complaint by the same caller regarding two areas on Oakridge Road in the east bound lane just on the west side of the Arrowhead River. He stated he believed the areas were alligator cracking and that paver patching would likely be required. Chair Kriescher noted the location and stated he would contact Winnebago County to perform the work.

A. NEW BUSINESS

1. Winnebago County Board Report— (First Town Board Meeting of each month)
Larry Kriescher, District Representative
2. Fire Protection—(First Town Board Meeting of each month)
3. Facility Maintenance—(Second Town Board Meeting of each month)

The Board noted neither Scott Mathison nor Darlene Bork were present to provide a report. Clerk Stevens noted she had spoken with Mrs. Bork who informed her that Bohm Lawn Care had completed spraying of the grounds today and that she intended to do some tree trimming before the Auxiliary Craft Fair. Clerk Stevens also noted that Mrs. Bork might be reaching out to the Board for some assistance in preparation for the event.

Supervisor Mathison asked if Bohm had sprayed the cracks in the concrete by the fire station. Clerk Stevens stated she did not know whether they had or hadn't. She asked if the Board would like her to send an email inquiry to Bohm to perform the work if they had not done it. The Board directed her to do so.

4. Plan Commission Report and Recommendations to the Town Board—(Second Town Board Meeting of each month)
 - a) Scott and Cheryl Lehl
Tax Parcel: 028-0459-01 Zoned: A-2
8707 Cattail Lane, Larsen, WI

Consideration of a Conditional Use Permit (CUP) Application to build an accessory structure in excess of the allowable square footage.

Supervisor Joas noted the required public hearing was held on August 8, 2017 immediately preceding the Plan Commission Meeting. The Plan Commission then, during its regular meeting made a motion to recommend approval of the CUP with the following conditions:

- A. The proposed structure including its floor area, height, and appearance shall be consistent with the building description as submitted to the Town of Winchester. Floor area is not to exceed 1,900 square feet inclusive of the building proper and the addition, and mid-truss height shall not exceed 18 feet.
- B. The structure shall be for personal use only. No commercial use is authorized in the terms of the CUP.
- C. Drainage shall be provided for the building so that run-off shall not impact adjoining property owners.
- D. The proposed structure and its use shall comply in all respects to Chapter 17 and all relevant chapters of the Town of Winchester Code, as well as, any applicable County, State, and Federal regulations or laws.
- E. Construction of the proposed structure including site preparation shall not commence until all of the following have occurred:
 - i. The CUP has been approved and signed by all parties
 - ii. A Zoning Permit has been issued by the Town Clerk
 - iii. A Building Permit has been issued by the Town Building Inspector
 - iv. Any County and/or State permits or approvals required have been secured by the owners

MOTION:

Chair Kriescher made a motion to approve the CUP for Scott and Cheryl Lehl with the conditions as noted.
Second by Supervisor Joas
Motion carried by unanimous voice vote.

- b) James Younger
Tax Parcel: 028-0520-03 Zoning: A-2 (also County Shoreland Jurisdiction)
6717 County Road II, Larsen, WI 54947

Consideration of a Conditional Use Permit (CUP) Application to build an accessory structure in excess of the allowable square footage.

The Board reviewed the property file. Supervisor Joas noted that Mr. Younger did not get a building permit before beginning construction. He referenced the draft minutes of the Plan Commission Public Hearing and Plan Commission Meeting provided by Clerk Stevens, and noted that the Plan Commission held quite a

lengthy discussion regarding the situation. He stated that it initially appeared, based on information provided by the Town Attorney and the Town Planning Consultant, the Town General Zoning requirements would be in effect in addition to the County Shoreland Zoning jurisdiction and requirements. Supervisor Joas stated that upon further investigation, and consultation with the County, he had determined that the Town's general zoning is not in affect in any shoreland area, and even though there was an act passed two years ago by the legislature supposedly to rectify that. He noted the case was called the Hegwood Case. Supervisor Joas noted it was a moot point to take action on the application because there's no case law to support Town general zoning jurisdiction. Supervisor Joas noted he had spent 5-6 hours researching the issue and had spoken with the Town's association before coming to this conclusion. He noted without case law to support the Plan Commission's request to enforce the Town's general zoning requirements, it would be to expensive and unwise to try to fight this issue.

Chair Kriescher noted that there are people who have this on their agenda, which is understandable. He also noted that Mr. Sanders (Town Planning Consultant) and he believes Attorney Sorenson both feel the Town should have some jurisdiction in these matters. He noted that he is on the Planning Committee at the County level, the county has a totally different opinion on the matter and he is stuck in the middle. He stated that shoreland zoning includes a lot of things that are off and different from Town zoning. He noted the fight should not be fought and perhaps saved for another day. He said he knows the Town of Oshkosh is fighting the issue, but other Towns are not fighting the County's jurisdiction. He said the Board should let the County take care of it, noting we have a lot of shoreland properties, most of which are unbuildable anyway.

Chair Kriescher informed the Board that he told Mr. Younger to go ahead with his project and get the stuff off the ground because he did not want to continue to look at it.

Supervisor Mathison clarified that the Town did not have any action to take in the matter. Supervisor Joas confirmed that fact.

5. Website Bid Review—Discussion / Action

Supervisor Joas presented the bid he received from Town Web Design. He noted that the website as it stands today was put up in 2014 and is version 4.0 or 4.1. He explained that the version available now is 5.0. He said the promotional pricing currently offered is discounted approximately \$150.00 with the cost to upgrade proposed at \$529.00. He noted this is a one-time fee and includes lifetime updates for the site. He noted the update would make the site more mobile friendly also. He stated that as long as the Board decides and responds on or before October 6, 2017, the price would be honored and though he had to confirm it, he thought the Board could wait until CY 2018 to pay for the upgrade.

Supervisor Mathison asked if the proposal was the only cost involved. Supervisor Joas clarified there is an annual service fee of approximately \$600.00 which would be "grandfathered" in and the \$529.00 is an additional cost simply to provide the upgraded platform.

The Board directed Clerk Stevens to add the business item to the agenda for the next Town Board Meeting.

6. Town Board Meeting Date Change—Discussion / Action

Chair Kriescher stated he had a County Board Meeting on Tuesday, September 5, 2017, the date the Board previously had chosen for their regular Town Board Meeting because of the Labor Day Holiday. The Board discussed various options for the meeting date and decided to hold the 1st Town Board Meeting in September on Wednesday, September 6, 2017 at 7:00 p.m.

7. Roads—5 year Capital Improvement Plan Funding—Discussion

Chair Kriescher stated Supervisor Joas has done a lot of work on the 5-year capital improvement plan. Supervisor Joas stated there are a lot of ways to do that, but at least the Board has identified some of the roads which need work. Chair Kriescher stated we can do it tonight, but we can always amend it later. Supervisor Joas noted the plan was previously approved by the Board and the discussion he wanted to have is in regard to how to pay for the paving projects. He noted that the projects like the chip sealing and crack sealing which are very valuable maintenance activities, are covered in the budget each year, but it is the laying of the new mile of pavement each year. He asked if the Board wanted to ask the residents to exceed the levy limit again, or if we want to do additional borrowing for a limited term, or does the Board want to do a combination of both. He stated he just wants to have a conversation because if we would want to exceed the levy limit, the Board should probably by the end of September, adopt a Resolution to exceed it so that we have the proper notice.

Supervisor Mathison stated he would like to see the transportation budget raised. If we don't do something, we just keep borrowing against things, how are we going to pay for it in the future if we don't start raising the levy limit we are never going to get caught up and pretty soon, we will not be able to afford to fix the small things. Supervisor Mathison stated he would rather see the levy limit raised by Resolution rather than borrowing because we will not have the money to pay off the loans. He stated he would rather see the levy limit exceeded each year by what is written down in the 5-year plan.

Supervisor Joas noted that the amounts we would be looking at each year would be \$100,000 to \$125,000 each year. He said the current levy is approximately \$178,000. He looked to Clerk Stevens for clarification. Clerk Stevens stated the electors voted to exceed the levy limit last year with the limit being approximately \$158,000 and then the Resolution to exceed put the final levy at \$178,000. She noted that the Town's net new growth did exceed the 1½ percent which will allow for the maximum increase in the Town's levy limit this year which will bring the base number up a little bit. She stated that she believed, but would have to confirm that without a new resolution to exceed the levy limit, the levy will go back down to the base levy limit of approximately \$160,000 plus the debt service on top of that.

Supervisor Mathison noted that the transportation budget is already in excess of the levy and if we do not exceed the levy limit, we will not have the funding to do the projects. Clerk Stevens noted that we also receive shared revenues and transportation aids which partially fund the transportation budget. Supervisor Joas noted that the budget line item also includes snowplowing, etc., which is why Supervisor Joas stated he wanted to bring this up.

Supervisor Mathison stated he still thinks they have to do something because previous Boards thought they were saving money by not doing anything and now we are paying more to do the repairs.

Supervisor Joas noted the one positive to borrowing is that if we have a bad winter, we could borrow more, or if we have a mild winter, we can borrow less. Supervisor Mathison asked if we borrow for three years, how do we pay for those three years? Supervisor Joas explained that each year there is a partial payment due, so as you add the new debt, it increases slightly, but after 3 or 4 years, the older debt starts to fall off, making it a gradual increase which is manageable. However, he noted, the negative is that there is interest charged on the loan.

Supervisor Mathison asked if it would be wise to exceed the levy limit a little bit? Supervisor Joas stated that is why he wanted to discuss it, stating that if we exceed the limit, instead of borrowing \$100,000 we would only have to borrow \$50,000. He noted there are a variety of different ways to do this, but he was hoping to have some idea moving forward.

Chair Kriescher asked to confirm that once the electors vote to raise the levy limit, it does not fall off the next year. Supervisor Joas stated he thought that was correct but was unsure and asked Clerk Stevens to confirm that. She noted that her understanding was that the levy would return to the allowable amount without a new resolution to exceed the limit, but also was uncertain and would like to confirm.

Clerk Stevens also reminded the Board that the application for Local Road Improvement Program (LRIP) is fast approaching and it is a very good opportunity for the Town to apply for and receive grant money for larger projects. The Board noted that they had previously been approved for \$49,000 in grant money and lost it due to an error in the bidding process. Clerk Stevens noted that Ray Palonen, Winnebago County Highway Commissioner, had told her to have a Board member get onto the LRIP committee if possible and to make sure the Town applies for project grants during the application cycle.

Supervisor Joas noted there was some discussion of submitting two projects, one for the new pool of money and another for the "old" money which was missed out on. Chair Kriescher asked if Supervisor Joas was on the committee last year. Supervisor Joas confirmed. Chair Kriescher asked if Supervisor Joas wanted to be on the committee or if he wanted him to go. Supervisor Joas stated he would do it. Chair Kriescher noted there may be a conflict of interest if he were to do it, due to his position on the County Board.

Supervisor Joas asked the Board to consider which projects we would like to apply for, noting the engineering would need to be done ahead of time, and asked Clerk Stevens to add it to the next agenda.

Supervisor Joas also asked to have the funding of projects on the next agenda for continued discussion or action as well.

E. CORRESPONDENCE

- WI DOA Local Government Report
- WI DNR Great Lakes Restoration Initiative Informational Letter
- Email Correspondence from the East Central Wisconsin Regional Planning Commission (ECWRPC) requesting technical assistance projects for consideration
- ECWRPC copy of drainage mapping which was a project previously requested by the Town

Chair Kriescher asked if anyone else had anything, stating if not, he had an announcement to make. Supervisor Mathison stated they had not yet approved the disbursements. Chair Kriescher said he would make his announcement first. He stated we have had some issues with the bookkeeping, checks, and invoices and from now on Sue will take care of all the invoices. She will write all the checks and she will do all the bookkeeping as the Treasurer per chapter 60. She will take care of all the bookwork.

Clerk Stevens inquired as to what the issue is, as she has had no one come to her.

Chair Kriescher stated she had the Fire Department come to her. What they are doing and getting does not match what you have and for some reason you will not give him the information he wants. Chair Kriescher stated there will

be no open meeting discussion and that is what we are going to do. He stated he wants a report from Sue and from [Clerk Stevens] in two weeks as to how it is going, I want it all done and completed.

Clerk Stevens asked permission to comment. Chair Kriescher told her to go ahead.

Clerk Stevens stated she is fine reviewing the process, saying her books are open, and everything is wide open. She stated she had talked with the Chief the last time he was in, I said I would meet with him and gladly sit down and go over everything so that we can make sure we are on the same page.

Chair Kriescher interrupted and said that is fine, however, I want a change. I want the Treasurer to do her job. And that is her job.

Clerk Stevens stated that according to State Statutes...Chair Kriescher cut off the Clerk Stevens and said no it is not, he went over the legal advice from our Attorney, I went over it with [inaudible] that is Sue's job.

Clerk Stevens said Okay. Chair Kriescher said if you want the chapters, he said the clerk is 60.33 and the treasurer is 60.34.

Clerk Stevens stated she understands, and she has read them both. Chair Kriescher said you [Clerk Stevens] take care of the records and all of the books, everything that comes into this, everything. He continued stating if I have to take record of something every day, you take care of that book for the Town. Chair Kriescher continued stating the Treasurer takes care of the mathematics I am going to say, who gets a check, where they are going, who's paying it, what we are paying it for, and she breaks it down for the Fire Department or any other small details we need to know. That's a book she has that you take. You take care of the book in this office department. He then said you [Clerk Stevens] can smile if you want, but you are done. Sue is taking care of this now and if you don't like it, we can go a different route. You [Clerk Stevens] can always resign if you don't like it.

Clerk Stevens asked if that was a threat.

Chair Kriescher stated no, if you don't like it you can resign. Clerk Stevens began to make another comment and Chair Kriescher said Nope, we are done. He then asked Treasurer Schwartzbauer if she understood. She confirmed she did. He stated he believed he had everything covered and moved on to the approval of disbursements.

Clerk Stevens handed the disbursements to Treasurer Schwartzbauer. Chair Kriescher said he was not saying you [Clerk Stevens] don't do a good job, which you do but that is going to stop too. He asked Clerk Stevens if she understood him, do you understand what I just said. Chair Kriescher got angry and accused Clerk Stevens of throwing things at the Chief one day, at him during the recount. Clerk Stevens stated that is a completely false accusation, completely false, and that she has been nothing but courteous. He said I beg to differ and moved on to approval of disbursements.

F. APPROVAL OF DISBURSEMENTS

MOTION:

Supervisor Mathison made a motion to approve the disbursements as presented.

Second by Supervisor Joas

Motion carried by unanimous voice vote

G. NEXT MEETING

The next regular Town Board Meeting will be September 6, 2017 at 7:00 p.m. which is a Wednesday.

Agenda items are to include Dry Hydrant Move, Website bid, discussion of possible Local Road Improvement Projects (LRIP), discussion regarding how to fund the 5-year Road plan, and any other business which may arise.

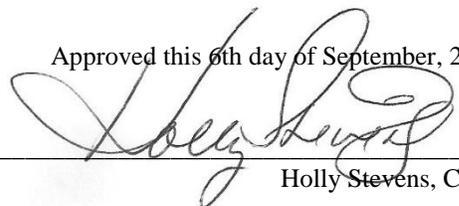
H. ADJOURNMENT

Supervisor Mathison made a motion to adjourn at 7:50 p.m.

Second by Supervisor Joas

Motion carried by unanimous voice vote

Approved this 6th day of September, 2017



 Holly Stevens, Clerk