

**TOWN OF MCMILLAN
M403 ELM STREET
TOWN BOARD MINUTES
May 12, 2014 7:00 PM**

The meeting was called to order at 7:00 p.m. by Carolyn Opitz.
The pledge of allegiance was recited.

Roll Call: Debbie Derfus, Dave Swenson, Carolyn Opitz, Norm Kommer, Geoff Engel – All present

Visitors -

- Tom Hardinger
- Jim Wendels – Quest Engineering
- Travis Lindekugel – Turf Tamers

Travis Lindekugel, owner of Turf Tamers, was invited to speak. Mr. Lindekugel was upset because he had received a letter (dated May 8, 2014) from Carolyn Opitz, cancelling the Town's contract with them for lawn care services.

There was discussion between Mr. Lindekugel and members of the board about his performance last year vs. their expectations, and whether or not he was meeting the terms of his contract. In the end, the board decided to look elsewhere for lawn care services.

Travis asked about the 30-day notification period. Geoff said that the lawn will need it to be mowed within the next 30 days, and we should honor our commitment to Travis. Travis agreed to continue with the lawn care until June 8.

Comments from the Audience -

Gary Franz asked if we need to rebid the lawn care services. Debbie answered that we do not need to put this out for bids; she plans to look at the bids that we received last year and go from there.

Approval of Minutes - Town Board Meeting 4/14/2014

Debbie/Dave moved to approve the minutes from the April 14, 2014 board meeting.

Roll Call: Dave, Carolyn, Norm, Geoff, Debbie – All Ayes.

Reports -

Plan Commission – Ron Gotz

The biannual review and Farmland Preservation are the big issues that the PC continues to work on.

Land that has been in Transitional Agriculture will no longer qualify for tax credits and the PC is trying to figure out how to handle this. Should it be switched to Exclusive Agriculture in an attempt to prevent people from losing their tax credits?

Dave – According to the county, we cannot re-apply to the state to get anything south of Elm into Exclusive Ag until 2015. The AEA (Ag Enterprise Area) is the other issue. The state just opened this up to two million acres available.

Resolution on the Apsey Auto was approved by the Plan Commission, and that is now on our agenda for tonight. It was a suggestion to the land owner to keep the number of vehicles that are "showing" down to five or six.

Fire Department – Kevin Schmidtke

- F.D. had a couple calls last month, nothing a major concern.
- Picnic in the Park is coming up end of the month.
- Training will be in June.
- It is now time to re-fill the gas tank and Kevin does not like the gas to sit in the tank for too long. Kevin asked the board for permission to get a gas card for the vehicles; resulting in fresher fuel and better documentation of usage.

Debbie asked if we could get a discount from Weilers or Baltus if we got a gas card through them. Kevin said that he would check into that. Geoff suggested that this be new business for next month.

Supervisors -

Geoffrey Engel – Website

The website will be up and running this month.

Geoff asked about getting the ordinances on the website. Carolyn explained that we're in the process of getting approval and right now this is in the hands of the attorney. We're hoping to get approval at the June Board Meeting.

Carolyn Opitz – Garbage & Ordinances-

Carolyn mentioned that someone is asking for a garbage can for his shed, as well as his residence. Would he have to pay for two garbage cans? The consensus of the board was "yes." Carolyn will check with the county about getting the billing for the second garbage can on the tax roll.

We have received notice from Marathon County that there will be road construction beginning August 18 and continuing through early October along County Hwy C from State Highway 13 to County Highway E (the towns of Spencer and McMillan).

Address of Dennis Stroetz was incorrect on the resolution that we signed last month. The address was stated to be M521 Staadt Road, and the correct address should have been M536 Galvin.

There will be a kick-off luncheon for Rural Health Initiative at Country Air on May 21. A person has been hired to make complimentary house calls to interested farm families.

Marlene Carter was appointed by the county to be the temporary deputy county zoning administrator; however, John Bujalski is now ready to come back.

David Swenson – Highway

- The snow fences have been taken down.
- County weight limits are on; they may be lifted next week.
- Pat has removed the wings from the plows.
- Tire recycling event last month – There were four people from McMillan working there (Ron Derfus, Dave Swenson, Pat Wiegel, and Mike Stockheimer).
- We have done some crack-sealing already.
- Still have some wedging to do on Staadt – They will honor the contract from last year, since they were unable to finish.

Debra Derfus – Buildings & Grounds

- Deb got a call from Hank Zimmerman. He said that it would cost about \$4500 to put two furnaces on the pavilion, but we might be able to get by with one furnace.
- Carolyn mentioned that we could possibly apply for a FEMA grant. Could that building be designated an emergency shelter? Kevin was concerned that this could cut into the Fire Department's grant availability. Kevin said that he would check into this.
- Deb also talked to Hank about the fire pit. There has been no donation for this project; however, that does not mean that we cannot still do something. Geoff stated that he would like to see us clean up all the crumbled blocks. Deb wants to do some work this summer in the playground area with the sand, bark, etc.

Clerk –

Financial Report for the Month of April 2014 -

The beginning cash on hand was \$1,000,635.00. We had receipts totaling \$44,629.04 in April.

The disbursements for the month were 98,261.54. In order to reconcile to the cash balance on hand, we add back the \$4,062.79 in unpaid payroll tax liabilities for April, and subtract the March payroll tax liabilities, \$2,566.46, that were paid in April. The ending cash balance at 4-30-2014 was \$948,498.83.

Checks numbered 12698-12740, plus checks numbered 5, 6, and 8, since the last meeting totaled \$31,341.21.

Denise reported that she and Ann have been working on a report that compares the budget (as it was approved by the town at the budget hearing in November) compared to actual year-to-date spending. Ann and Denise plan to present this report to the board on a quarterly basis.

Norm/Debbie moved to approve the clerk's financial report and check register as presented. Roll Call: All Ayes

Treasurer -

Ann reported a checking account balance of \$196,184.17, minus outstanding checks of \$960.74, plus \$753,275.40 in C.D.'s and savings accounts for a total cash on hand of \$948,498.83 as of 4-30-2014.

Dave/Debbie moved to approve the Treasurer's Report as presented; assuming that the O/S checks numbered 10922 and 11526 will be voided. Roll Call: All ayes.

Unfinished Business -

1. Discussion/Action on Assessors' Proposals

There was only one proposal, and it was from Jim Kurtzweil.

Jim included two different contracts for consideration; one had a contract price of \$15,000 and the other had a contract price of \$10,000.

At first glance it was hard for the board to determine the difference in these two contracts with respect to the level of work to be performed.

Debbie suggested that we table this until June, and take the necessary time to look over these contracts. The Board of Review is June 3, and the next board meeting will be the following Monday, June 9. We can decide at the June board meeting which contract we want to accept. The board agreed to table this.

2. Fire Department By-Law Change Regarding Membership Age

The Fire Department would like to increase the maximum allowable age from 65 to 70 years of age. The proposed new by-law would read as follows:

"All members shall be 18 years of age or older, but not older than 70."

Debbie/Norm moved to approve the revised by-law change.

Roll Call: Geoff, Debbie, Dave, Carolyn - All ayes. Dave Swenson – Abstain.

New Business -

1. Sealed bids for Staadt Road Project

Four contractors requested project packets.

Only one bid came in and that was from Earth, Inc. with a bid amount of \$416,016.22

Jim Wendels of Quest Engineering stated that his estimate was \$405,291.57, which was about a 5% increase over the projected cost last year.

Jim offered to take the bid into the back room to key in the numbers and check their math. The board agreed to have Jim do that, so we will pick this discussion up later in the meeting.

2. Sealed bids on Fire Department Used Snowmobile Trailer

The Fire Depart. got a new trailer to haul their ATV's and rescue sled; and they would like to know how the board wants them to go about selling their old trailer. The proceeds of the sale of the old trailer would go back into the Fire Dept. Fund.

There was discussion about the best way to sell the old trailer – Craigslist, a newspaper ad for sealed bids, or chaining the trailer in the yard with a "for sale" sign

Geoff/Norm moved to place an ad in the newspaper to accept sealed bids, with a minimum bid, for the used trailer.

Roll Call: Geoff, Norm, Carolyn, Dave - All ayes. Debbie – No.

3. Resolution on Board of Adjustment Hearing – Apsey Property

Carolyn read the B.O.A. Hearing Resolution regarding vehicle sales on the Apsey Property.

Dave/Debbie moved to approve the resolution. Roll Call: All ayes.

4. Car Damage on Mann Road – Ardith Hendrickson

Carolyn read Ms. Hendrickson's letter asking for restitution for the damage that her car sustained when it hit a pot hole on Mann Road.

Denise told the board that Jennifer, Rural Mutual Insurance, is recommending that the board file a claim; then the adjuster can determine if the town was negligent or not.

Geoff stated that we cannot be held responsible for everyone who damages their car on the town's roads and, therefore, we should simply send her a letter of apology with no payment.

Board members agreed that it would set a dangerous precedent to start paying everyone who damages their car on a pothole in the town.

Dave/Debbie moved to file a claim with the insurance company and see what the claims adjuster has to say about it. Roll Call: Debbie, Dave, Carolyn, Norm - All ayes. Geoff - No.

5. Marshfield Utilities Affidavit

Carolyn read the letter from Marshfield Utilities. This is an annual letter that we receive asking for written consent allowing Marshfield Utilities to perform work in the town's jurisdiction.

Norm/Dave moved to approve the affidavit for Marshfield Utilities. Roll Call: All ayes.

6. Lawn Mowing Contract – already discussed earlier in the meeting

7. Board Chairman Appointments

Carolyn announced the following appointments:

Geoff – Website

Norm – Library, Newsletter

Dave – Highway, with the assistance of Engineer, Tom Hardinger

Debbie – Buildings & Grounds

Carolyn – Garbage, Ordinance, Newsletter

Ron Gotz and Mike Stockheimer – renew their appointments on the Plan Commission

Geoff asked if there has been anymore talk about having a Buildings & Grounds Committee.

Carolyn said that she would love to have people come forward and volunteer. Norm told Debbie that he picked up some names of potential volunteers when he was out campaigning; he will share those names with her for help with Buildings and Grounds.

Fire Department – no liaison has been appointed. The Fire Dept. would like to simply continue to come to the board meetings as they have been.

8. Discussion/Action on Replacement Fire Department Rig

Kevin stated that the Fire Dept. has been looking into options for replacing Engine #9 and Ladder #6 with a new rig.

Below is a list of the criteria that the fire department has established for their new rig.

- Age no older than 2001, but preferably newer than 2005
- Aerial length 75 foot

- Pump size 1,250 gallons per minute
- Onboard water tank size 400 gallons
- Automatic transmission
- Four man cab
- Large diameter hose bed to hold at least 800 feet of hose
- On board generator
- Two 1 inch pre-connect and one 2 1/2 inch pre-connect
- Pre-piped water way on aerial
- Has all of its ground ladders
- Place to mount hard suction hose
- Meets NFPA standards at the time of manufacturing
- Certified pump and aerial

They are recommending the following options for Engine 9 and Ladder 6

- Sell Engine 9 and Ladder 6 for about \$4,500 each.
- Sell Engine 9 for \$4,500 and donate Ladder 6 to a museum
- Sell both for scrap, at about \$3800 each (based on 5/6/14 scrap metal prices)

The fire department is looking to spend no more than \$275,000.

Current funds available include:

- \$70,266 in the Fire Dept. Apparatus CD.
- \$33,000 Fall Fest Funds; but would like to keep \$15,000 saved in the Fall Fest Account

Kevin stated that they do not have a rig in mind right now. Something could come up next week, or not for six months from now; it depends on when one becomes available. Kevin added that they have not physically looked at anything yet; but, with today's technology, you can see a lot online.

Geoff stated that the availability of such rigs changes every day. These used vehicles become available, and then they're snatched up. That is why we need to have the funds available for when one does become available.

Kevin is asking that they could use the \$70,000 in the Fire Dept. Apparatus CD, and that the board fill in the difference of \$205,000.

There was discussion about possibly borrowing the money, and what the interest rates would be. Norm offered to look into possible interest rates.

Gary Franz asked – Do we absolutely need an aerial truck? Kevin – Yes!

Geoff/Debbie moved to approve Kevin's proposal as presented.

Norm and Dave both expressed an interest in having more information on financing.

Roll Call: Debbie – yes; Dave – yes; Carolyn – yes; Norm – no; Geoff – yes. Motion passed.

Back to Stadt Road Project:

When Jim worked the numbers, he found just one math error. After correcting that number, the correct bid should have been \$400,016.22. Jim called Earth, Inc. and owner, Dan DeBoer, concurred that the bid should be \$400,016.22.

Jim Wendels recommended awarding the contract to Earth, Inc.

Debbie – If we go ahead with the project, are we still getting the contributions from Mullins and Eau Pleine? Yes.

Source of Project Funds:

Hwy Capital Improvement CD	\$135,488.20
Grant from State	\$96,145.39 (we would have to pay this up front)
Mullins	\$37,200.00
Eau Pleine	<u>\$3,500.00</u>
Net Needed	<u>\$ 127,682.63</u>

There was discussion about how much money has already been allocated this year for projects.

Dave read off a list of projects that have already been committed to:

Double Chip:	Turtle Ridge, Meadow Ave., Candlewood	\$ 42,000
Single Chip:	Red Hawk, Deer Run, Edgewood, Ruby	29,000
Culvert Replacement		<u>18,000</u>
Total		<u>\$ 89,000</u>

There is \$89,000 of road work that still needs to be done this year.

Geoff and Debbie both calculated a shortfall of about \$20,000. If we need to consider covering the state's portion, we would need approx. \$116,000 of short term borrowing.

Geoff – What is the difference in the cost of doing the Staadt Road according to Quest Engineering vs. just resurfacing the road?

Resurfacing the road would be approximately \$178,400 + 5% = \$187,320.

Geoff calculated an approximate \$80,000 difference to do a state specked road.

There was discussion about the life of the road if we do the project now. Jim Wendels, Quest Engineering, stated that this project has a 20-year design life with minor repairs.

Dave – We have procrastinated long enough. We need to take action. This is a business in town that pays taxes and employs a lot of people. The people in this town want good roads and good public safety. We need to keep moving forward.

Dave/Carolyn moved that we go ahead with the Staadt Road Project in the amount of \$400,016.22.

Last year we moved \$207,000 into a highway maintenance CD that we failed to mention earlier! We should have enough money.

Jim Wendels stated that the project would begin when school is let out for the summer, and should be done when school begins again in the fall.

How soon after completion does the billing come due? Jim Wendels stated that it is not unusual for the contractor to bill every two weeks. The payment terms are usually spelled out in the contract, and we should have the ability to negotiate terms.

Tom Hardinger reminded the board that we have not considered any engineering oversight on the project. This would probably run about \$10,000, over and above the \$400,000.

Are there any other projects that Earth, Inc. is involved with in the town? Have we ever had any problems with them? No. They have been around for years.

Roll Call: Geoff - yes; Norm - yes; Carolyn - yes; Dave - yes; Debbie – no. Motion passed.

Geoff/Debbie moved to adjourn at 9:25 p.m. All Ayes. Adjourn

Submitted by:
Denise Barg, Town Clerk