

TOWN OF MCMILLAN
M403 ELM STREET
TOWN BOARD MINUTES
June 9, 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 -

- **Tim Vreeland** – not present. The Mancl CSM approval has been postponed to the July meeting.
- **Attorney Scott Swid, Swid Law Offices**
Approve/Disapprove Resolution on Code of Ordinances
The Town is looking to adopt a new Code of Ordinances. We would like to vote tonight to adopt the Code, and then review it annually to keep it current.

Mr. Swid explained that there are basically three functions of the code and they are: 1) powers; 2) regulatory; and, 3) to allow the town government to function

Mr. Swid stated that he has reviewed that portion of the Code that the publisher provided to him for review (Schedule A), which is the portion of the Code that had been changed.

Mr. Swid summarized the areas of the Code that were discussed at the Special Town Board Meeting on June 3, 2014.

- Fire Department
- Fees & Penalties
- Grievances
- Signs and Billboards

The publisher provided a notice to the Clerk for publication. There is a certification that the Clerk will need to sign attesting to the fact that this notice was published, that the public was given an opportunity to review the Code of Ordinances prior to this meeting, and that there was a special meeting of the Town Board to review the Code of Ordinances.

Mr. Swid read the Resolution provided by the publisher and recommended that the board pass it. The resolution reads as follows:

A RESOLUTION PROVIDING FOR THE PUBLICATION, FILING, INSPECTION, AND ADOPTION OF A CODE OF GENERAL ORDINANCES

Whereas a Code of General Ordinances titled "Code of the Town of McMillan" has been prepared and tentatively approved by the Town Board;

NOW, THEREFORE, BE IT RESOLVED that this Code be presented for adoption by the Town Board at the next regular Board meeting on June 9, 2014; and

BE IT FURTHER RESOLVED that the Town Clerk, in accordance with the requirements of SS66.0103, Wis. Stats., shall file a copy of the proposed "Code of the Town of McMillan" in the Clerk's office for public inspection and cause a copy of the following notice to be published:

Notice of Newly Enacted Ordinance

Please take notice that the Town of McMillan enacted Ordinance No. 5-2014, Adoption of Code, on June 9, 2014. The ordinance provided for the adoption of a new Code of Ordinances, consisting of Chapters 1 through 495.

The full text of Ordinance No. 5-2014 may be obtained from the McMillan Town Clerk's office, M403 Elm Street, Marshfield, WI 54449. Phone: (715) 389-1338

Dave/Deb moved that the resolution providing for the publication, filing, inspection, and adoption of the Code of General Ordinances be approved, effective July 1, 2014.

Roll Call: All Ayes.

Comments from the Audience -

Sherri Imhoff, M306 Zyg Street – Wanted to discuss the excessive water running down Zyg Street, which has gotten worse since the Hilltop Apts. were built. They had to replace their driveway four times in 2012. Sherri showed several pictures of the water running down the streets and residential properties.

How can this be fixed?

Dave Swenson stated that the Hilltop Apts. are on City property, and when this development was being designed, the Town was assured that this would not be a problem. Dave stated that he will bring the pictures to the Joint Plan Commission Meeting with the City and see what can be done.

George Asher, Zyg Street – He too has been putting a lot of money into his driveway because of the water problem and he wants it to be resolved.

Rick Duerr, County Supervisor, District 29 – Rick has been put on four committees with the County: Land Conservation & Zoning, Solid Waste Mgmt., Public Safety, and Education & Economic Development. Mr. Duerr wanted it known that he is available to anyone who would like to talk to him about an issue.

Approval of Minutes - Town Board Meeting 5/12/2014, Special Board Meeting 6/3/2014 on Code of Ordinances, Board of Review 6/3/2014

Debbie/Geoff moved to approve the Town Board Meeting minutes of May 12, 2014.

Roll Call – All Ayes.

Norm/Dave moved to approve the Special Town Board Meeting minutes of June 3, 2014.

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

Dave/Norm moved to approve the Board of Review Meeting minutes of June 3, 2014.

Dave pointed out that the minutes highlighted the fact that there was \$192,200 new construction that was done without first obtaining a building permit. John Bujalski stated that the Town does not issue building permits; rather, the County issues zoning permits.

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

Reports -

Plan Commission – Doug Lee and Barb Tetzlaff

Barb Tetzlaff reported on the activities of the PC at their June 2 meeting:

- Russ Weichert's request to extend the private road, Makenna Ave. passed
- Discussion on land division and sub divisions, Winterberry North and Gene Hill
- Dan Mancl's land division request, recommend passing
- Bi-annual Review – will be presented in three meetings (Section 28, Exclusive Ag, and Other)
- Farmland Preservation Act – borders will be moved back so that residents' income will not be adversely affected.

Doug Lee talked about bike trails along County E. The County has agreed to put wide shoulders from Ash to Coachlight. The County has Environmental Impact Funds from which they issue grants to be used for environmental and recreational purposes, and they have indicated that they would support giving a grant to the bike paths. Doug is working on getting letters from interested parties and he is asking for a letter of support from the Town, stating its support for the application of the grant.

Rick Duerr stated that this should not have a tax impact on the residents of the Town; however, he does have some concern with safety of biking on the shoulders of the highway. He would like the safety issues to be addressed.

Dave/Debbie moved that the Town write a letter of support for a bike trail from Coachlight to Sugarbush, to be funded through a grant from the Environmental Impact Funds.

Roll Call: All Ayes.

Fire Department – Kevin Schmidtke

Activities for the Fire Dept. last month were:

- Dairyfest – Participated in the parade and “Stop, Drop, and Roll” demonstration
- Working on purchasing the new ladder truck
- Plan to sell Engine 9 and apply the proceeds of that sale to purchasing new hoses for the new truck
- Would like to sell Ladder 6 and put that money back into the “rig fund”
- Checked with Weilers and Baltus about getting a gas card and they would like to go with Weilers as it is easier to maneuver the trucks in and out.
- Just went through another round of S.O.G.’s
- Lights on classroom side of Fire Dept. are being installed tomorrow.

Approve/Disapprove Borrowing on New Fire Truck

2002 Pierce Dash 4-Door, 75 foot ladder, from Florida

Mileage is 60,000

It will be ready for pick up in about one week.

Purchase Price was \$210,000

Three people went down to check it out and drive it; at which time they made a \$10,000 down payment.

We owe \$200,000 on the Fire Truck.

The Fire Dept. will pay ½ and the Town will pay ½.

Fire Dept. will use Fall Fest monies and \$70,000 from Fire Dept. Replacement Apparatus CD.

Gary Franz raised the concern about the substantial amount of money being spent. He asked, “With something this big, shouldn’t it be part of the annual budget?”

Members of the board explained that we voted to approve spending up to \$275,000 on a new truck at the board meeting last month. Dave explained that we need to have user friendly, safe equipment in the event of an emergency. This truck will replace a 1959 ladder truck and a 1964 engine.

Tonight we’re asking for approval to borrow \$140,000. Citizens State Bank - Loyal gave a quote of 2.25% for 3 years or 2.75% for 5 years. There is no prepayment penalty.

Norm/Dave moved to allow the Town to borrow up to \$140,000 for five years at 2.75% from Citizens State Bank-Loyal.

Debbie asked for clarification about what the Fire Dept. will be contributing. They currently have \$70,000 in their replacement apparatus CD and \$33,000 in their savings account. Kevin does not want to take anything out of the savings account until after the Fall Fest.

Geoff stated: Fire Dept. Replacement Apparatus CD is money that has been set aside for this purpose and it should all be used for this new rig. He added that, when the town sells Ladder 6, that money can be earmarked to start a new capital improvement CD.

Roll Call: All Ayes.

Kevin asked the board to decide how the money from Engine 9 is to be used. He said that they think they will need about \$4800 to get the new truck ready for use.

Geoff asked that at the July Town Board meeting we decide what we will do with the proceeds from Engine 9 and Ladder 6.

Approve/Disapprove Fire Dept. Gas Card

There was discussion about the benefits to the Fire Dept. of having a gas card. A charge account will not work because sometimes gas needs to be purchased in the middle of the night, and there would be no one there to help them.

Kevin stated that a \$1,000 limit will be sufficient.

Kevin will have control of the card. He assured board members that this will be the most secure approach.

Debbie/Norm moved to approve a gas charge card for Weilers for the Fire Dept. Dave recommended setting a limit.

Amended Motion - Debbie/Norm moved to approve a gas charge card for Weilers, with a limit of \$1,000.

Roll Call: All Ayes.

Library – Ruth Voss

Activities at the library:

- Fizz, Boom, and Read” Summer Reading Program for Children and Youth
- The City extended the fund raising period for the new library; ground-breaking is expected to begin in 2016.

Supervisors -

Geoffrey Engel – Website

Geoff says that he did not get the appropriate changes to Noah at Solarus in time; therefore there will be a one-month delay in getting up and running. It will be ready this month.

Geoff said that we need to have a PDF format of our new Code of Ordinances for the website.

Mr. Swid said that he can take care of that for us very easily. He will have it to Denise by the middle of next week.

Norm Kommer – Library & Newsletter

Norm asked Ruth about getting involved in the library meetings. The meetings are at 7 a.m. and Norm is welcome to attend; however, he will not be able to vote. Ruth Voss is the voting representative for McMillan.

Carolyn Opitz – Garbage, Ordinances & Newsletters

We are having a terrible time with our garbage and recycling. Many people are not getting their garbage/recycling picked up. Carolyn is working with Advanced Disposal to try to get things worked out.

David Swenson – Highway

- Dave and Pat met with Tom Hardinger – They’re revising their plan for which roads to work on next.
- Need to get updated traffic counts, especially on Mann Road
- Have not done any dust control yet, because the roads are not ready yet.
- Will be doing some culverts on Edgewood, Deer Run, and Red Hawk
- Galvin Ave culvert is cost-shared with the County; estimated cost is \$10,000
- The county has asked the Town to get the Makenna Road fire number signs out ASAP. This does not mean that the Town will maintain the road until it meets our standards.
- The town does not replace private culverts.

It was pointed out that there are a couple dangerous intersections in the Town, due to too much granite in the road: Cherry/Hwy 97 and Birch/Hwy 97. Pat is working on getting this cleaned up.

Debra Derfus – Buildings & Grounds

Work that is planned for the Park Dept. includes:

- Putting new sand in the playground
- New Bark and brick by the bridge

Debbie stated that Travis is upset because the board did not vote on his contract being terminated. The board members agreed that the contract specified a 30-day notice, and he was given that. Travis was in

attendance; he had no comments about his contract, but offered to help if we need him to keep mowing until we get a replacement.

Travis also warned about the dangers of the unlocked holding tank near the playground. Debbie instructed Denise to send a letter to Zabler asking them to lock the septic tank near the playground.

Clerk –

Financial Report for the Month of May 2014 -

The beginning cash on hand was \$948,498.83. We had receipts totaling \$1,821.23 in May.

The disbursements for the month were \$78,667.22. In order to reconcile to the cash balance on hand, we add back the \$1,780.26 in unpaid payroll tax liabilities for May, and subtract the April payroll tax liabilities, \$4,062.79, that were paid in May. The ending cash balance at 5-31-2014 was \$869,370.31

Checks numbered 12741-12794, plus checks numbered 9, 10, and 11, since the last meeting totaled \$121,851.39.

Ann explained that we had to reissue the two checks that we had voided from prior years: Dustin Rotar, Check #10922 dated 11/14/2011 for \$38.00 and Robert Ausberg, Check #11526 dated 9/18/2012 for \$5.54.

Debbie/Norm 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 \$117,289.03, minus outstanding checks of \$1,247.52, plus \$753,328.80 in C.D.'s and savings accounts for a total cash on hand of \$869,370.31 as of 5-31-2014.

Dave/Debbie moved to approve the Treasurer's Report as presented. Roll Call: All ayes.

Ann transferred \$100,000 from the tax savings account to the general checking account on Friday, June 6, because the checking account balance was getting a little low.

Unfinished Business -

1. Approve/Disapprove Assessor Contract

Jim Kurtzweil had submitted two different contracts – one for \$15,000 and one for \$10,000.

Carolyn directed the supervisors to look at the B.O.R. minutes, which pointed out that \$192,200 in new construction was done without the owners first obtaining a zoning permit. This illustrates the benefit that is derived from Jim going around and looking at all of the properties.

Recommendation: Carolyn believes that, if Jim can find \$192,000 in new building, than we want him to be out there looking at these properties.

Carolyn/Dave moved that we accept the Assessment Services Contract of \$15,000/year for the next three years: 2015, 2016, and 2017.

Roll Call: All Ayes.

2. Approve/Disapprove Liquor Licenses

- Belvedere Supper Club
- Resource Recovery

Belvedere Supper Club and Resource Recovery have both applied for renewal of their "Class B" Combination liquor licenses. Denise reported that, as far as she knows, there have been no problems with either of these establishments.

Norm/Debbie moved to approve for one year the "Class B" Combination liquor licenses for Belvedere Supper Club and Resource Recovery.

Roll Call: All Ayes.

New Business -

1. Action on Highway Building Fund CD, matured 6-9-2014

Debbie/Geoff moved to roll over the Highway Building Fund CD for three months (\$15,181.31).

Geoff said that this has been rolled over so many times, and we are making very little interest on it; therefore, we should consider doing something with the money. If we do not need anything on the building, maybe we could use the money somewhere else.

There was discussion about all the work that could be done in the park and the Town Hall building, including the following:

- Bark, brick, and sand at the playground
- Drain tile at the Town Hall
- Concrete area outside the Town Hall
- Putting a gutter across the front of the Town Hall to help with the drainage problems

Geoff suggested that we move the money into the general fund and get quotes on the work to be done.

Roll Call: All No's.

Debbie/Dave moved to put the proceeds of the Highway Building Fund CD into the General Fund.

Roll Call: All Ayes.

2. Action to Approve Cashing in Fire Department Apparatus CD, matures 8-5-2014

The penalty for cashing in the CD early is three months' interest, which is \$26.30.

Debbie/Norm moved to cash in the Fire Dept. Apparatus CD and place the funds in the general fund.

Roll Call: All Ayes.

3. Approve/Disapprove Quest Engineering Proposal for Staadt Ave. Reconstruction Project

Dave/Debbie moved to accept the proposal of \$9,951 from Quest Eng. for the Staadt Ave. Project.

Geoff would like to request that they make surprise inspections, because that is the best way to keep them on their toes. Carolyn will ask about the surprise visits at the pre-construction meeting.

Do we need to do this in order to get the grant? Yes.

Roll Call: All Ayes.

4. Discussion of Capital Improvements Proposal from MSA

Geoff/Debbie moved to re-engage MSA for creating a Capital Improvement Plan.

Geoff was originally against this, but he indicated that he has changed his mind on this topic as he now sees real benefits to planning ahead and getting help with writing applications for grants. With the proximity to the City of Marshfield, it is important to plan ahead to keep our heavily traveled roads up to date. This can also help us to be prepared for unforeseen financial needs.

If we have a plan, then the residents of the town will know what's coming up. We can let them know in the newsletter, or at the annual meeting.

The last time we looked at this, the quote was about \$6,000 to get started; and then another \$2,500 annually to keep the plan current. We do not have a current quote at this time.

Do we need to have something about the contract cost in the motion?

Board members agreed to let the Chairman use her discretion on this.

Roll Call: All Ayes.

Debbie/Dave moved to adjourn at 9:35 p.m. All Ayes. Adjourn

Submitted by:
Denise Barg, Town Clerk