

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
APPROVED MINUTES OF DECEMBER 5, 2011 TOWN BOARD MEETING

CALL TO ORDER & DECLARATION OF OPEN MEETING:

Meeting called to order at 6:18 p.m. by Chair David Gartman; confirmation of conformance with open meeting law was confirmed with clerk and the meeting was declared an open meeting.

PRESENT: Town Board Chair David Gartman, Supervisor Michael Bergin, Supervisor, Dale Sommer, Supervisor David Senkbeil, Supervisor Brian Hoffmann, Treasurer Laurie Pankratz, Maintenance/Road Supervisor Rick Meyer, Clerk Cheryl Rostollan. **Also present:** Town Attorney Paul Rosenfeldt and numerous interested parties.

PLEDGE OF ALLEGIANCE was recited.

PUBLIC COMMENT SESSION:

James Van Ess, 620 Indian Mound Road, Sheboygan – Has noticed a lot of semi trucks traveling on Lakeshore Drive and Weeden Creek

APPOINTMENTS / NEW BUSINESS:

1. Approval of draft minutes:

- a) November 21, 2011 – Motion by Senkbeil to accept draft minutes of November 21, 2011 Town Board Meeting and the attached Chapter 31 attachment with its additions as printed; second by Bergin; motion carried with no nay votes and no abstentions.
- b) November 10, 2011 – Deferred to December 19, 2011 meeting for additional review, no action taken.

2. Clear Channel Outdoor–Wisconsin pending legal action and WP&L Lawsuit - At approximately 6:45 p.m. the board Chair will entertain a motion to reconvene in closed session pursuant to Wis. Stats. Section 19.85 (1)(g) to confer with legal counsel concerning strategy to be adopted by the town board with respect to litigation with Clear Channel Outdoor–Wisconsin and Wisconsin Power & Light Company in which it is or is likely to become involved. (Roll call votes required.) The closed session will be held in the Sanitary District Office. Upon conclusion of this closed session, the board will reconvene in open session in the Town of Wilson Office (conference room).

Chair Gartman read above notice and entertained a motion for action. Motion by Senkbeil to convene into closed session; second by Bergin; roll call vote taken with Hoffmann, Senkbeil, Gartman, Sommer and Bergin voting aye; motion carried and meeting convened into closed session in the Sanitary District office at 6:30 p.m. Closed session included discussion regarding Clear Channel Outdoor-Wisconsin and WP & L pending legal actions.

Motion by Bergin to reconvene into open session of town board meeting; second by Sommer; roll call vote taken with Senkbeil, Gartman, Sommer, Bergin and Hoffmann voting aye and meeting reconvened at 7:30 p.m.

3. 2011 Wisconsin Act 35 Concealed Carry Law / General Ordinance Chapter 6 Town Constable – Review / discussion / possible amendment to Chapter 6 Town Constable – Paul Rosenfeldt provided overview of new WI Stat. and Chapter 6 of the Town General Ordinance. Board members shared their positions on this matter and questioned whether the town could require a firearm to be cased. Attorney Rosenfeldt explained the law permits people to keep a weapon in their personal vehicle but is unclear as to whether an employer may impose the conditions of keeping the vehicle locked and the gun cased and unloaded, but their office is recommending that employers do impose those conditions. The town may absolutely prohibit the constables and any other employees from carrying (but not storing in one's vehicle) a firearm. Constable Van Ess explained that he has been called many times to shoot rabid raccoons. Constable Whipple questioned discharging of weapons and procedures to follow if he is carrying his firearm as a resident and becomes enlisted to serve as constable. Hoffmann asked if Attorney Rosenfeldt could write something into Chapter 6 for special circumstances for putting down animals. Rosenfeldt will check into this potential. Motion by Sommer that constables do not carry a

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
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concealed weapon while on duty per draft read by Paul Rosenfeldt; second by Senkbeil; discussion: motion died with entire board voting nay. Motion by Hoffmann that no side arms be worn by town constables at this time in the performance of their duties; second by Sommer; motion carried with no nay votes and no abstentions. Put Chapter 62 on future agenda when further recommendation by legal counsel available.

4. **Nancy Des Jardins, Service Director and Daniel Hartmann, Co-Director of Town of Wilson First Responders regarding Execution of 2012 Agreement.** Gartman recused himself from board table and discussion. Discussions and questions between board and first responders. Current roster of members requested by board. Motion by Bergin; to approve 2012 contract with additions/amendments presented December 5, 2011; second by Senkbeil; motion carried with Gartman abstaining; Sommer voting nay; Hoffmann, Bergin and Senkbeil voting aye.
5. **Kory Wendlandt, President and Tony Van De Wege, Fire Chief, Black River Fire Department regarding Execution of 2012 Agreement** – Discussion and questions between board and fire department. Current roster of membership requested. Motion by Sommer to approve 2012 contract with updates as amended and dated inventory list provided prior to presentation to board for signing; second by Hoffmann; motion carried with Senkbeil abstaining and Gartman, Bergin, Sommer and Hoffmann voting aye.
6. **Guy Jones, Wage, Salary & Benefits Committee** – Appointment/report on recommendations/possible board action – Guy Jones presented recommendations for town board to receive per diem compensation of \$50 for town meetings that are not regularly scheduled meeting. Clerk to check out parameters of draft provided by committee and how to execute recommendations. Committee chair requested that Terry Shircel be relieved from the committee and that the board appoint two additional members. Sommer questioned whether previous committee recommendations were implemented. \$10 per meeting when serving as Sanitary District commissioners at meetings; and \$10 per diem for meetings outside of township (May 7, 2010). Also check on mileage reimbursement.
7. **James Van Ess, offer to clean-up downed-tree in Balzer Conservancy** – Board's consensus is to send this request to Park & Forestry Commission.
8. **Maintenance/roads:**
 - a) **Report** – Lange Enterprises is done with the install, bill will be sent this week. He will also provide recommendations. Meyer will check on addresses with "W", "N", etc. to ensure that the posted addresses are correct. Wilson-Lima Bridge proposals are being worked on by David Gartman. Maintenance employees will assist with removal of snow in Black River with the town's back hoe and he asked for the board's position on dumping snow in Fireman's Park.
 - b) **Rich Valenta, O & W Communications** – Camera demonstration for security at maintenance site and proposal – Not present, no action taken.
 - c) **Street lights** – CTH V and South Business Drive review monthly/annual cost, discussion and possible board action regarding removal or bulb replacement – No cost is incurred by town, no action taken.
 - d) **Proposed signage at Transfer Station resulting from ordinance change to prohibiting removal of items at transfer station** – Possible amendment to General Ordinance Chapter 31 Transfer Station – Consensus by board that proposed sign was appropriate with the addition of "Town of Wilson Ordinance Chapter 31"
 - e) **Snow plowing, road salt application/calibration rates** – Gregg Wagner provided input regarding service area provided by Wagner Excavating and parameters of roads plowed (number of intersections, wooded areas, cul de sacs, road width.) Discussed pounds per road mile and calibrations. Wager will document dates and calibrations. Many times trucks are sent back to slush off the ice and because of the road width of Indian Mound Road plowing cannot quite be completed with two passes.

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN

APPROVED MINUTES OF DECEMBER 5, 2011 TOWN BOARD MEETING

- f) **Shop Holiday Party** – Motion by Senkbeil; second by Sommer to approve expense for holiday party up to \$200.00; motion carried with no nay votes and no abstentions.
- g) **Utility Right-of-Way Policy and Permit** – Send WI Town's Association the county's example and ask if the town has the authority to do this, would the utilities be bound by the town's Bring back to board upon completion.
- h) **Proposal from Dirkse Glass to replace solid glass window with sliding glass window in receptionist office** – Motion by Hoffmann to approve Dirkse Glass proposal as submitted; second by Sommer; motion carried with no nay votes and no abstentions.

9. Reports:

- a) Treasurer – Written reports of Fund Balance, Cash Summary (reflecting all changes from payables tonight) provided.
- b) Clerk – Financial and verbal reports provided.
- c) Constable – Written report by Constable Whipple provided.
- d) Plan Commission - Performance Standards for Highway Commercial Building Site & Exterior Architecture & Requirements. Set up joint Plan Commission/Town Board Meeting for discussion.
- e) Park & Forestry Commission – No report.
- f) Wage, Salary & Benefits Commission – No report other than New Business (above)
- g) Long Range Planning Ad Hoc Committee – No report.
- h) Black River Fire Department – No report.
- i) First Responders – No report.
- j) Town Board – Discussion regarding parking and speeding on Wilson-Lima Road and their findings from checking up on this road and the recent complaint. Meyer advised to remove cable from public access posts.

10. Disbursements:

- a) Checks on hold – Motion by Sommer; second by Hoffmann to release check number 15599 payable to Sheboygan County Treasurer check on hold; motion carried with no nay votes and no abstentions.
- b) Black River Fire Department — Motion by Sommer to approve Black River Fire Department expenditures as presented; second by Bergin; motion carried with no nay votes and no abstentions. *US Cellular bill - who is texting? Perhaps switch companies?*
- a) Town of Wilson First Responders – Motion by Sommer to pay \$10,322.59 First Responder expenditures; second by Senkbeil; motion carried with no nay votes and Gartman abstaining.
- b) Town of Wilson – Motion by Senkbeil to pay \$28,378.71 Town of Wilson expenditures; second by Bergin; motion carried with no nay votes and no abstentions.

11. **Adoption of a Fund Balance Policy in Accordance with GASB #54** – No action taken, deferred to December 19, 2011 Meeting.

12. **Insurance coverage for balances held in Tax Account, potential collateralizing or use of additional financial institutions** – Gartman recused himself from the discussion/table and assigned Supervisor Bergin to run the agenda item. Motion by Hoffmann to stay with Oostburg State Bank and to collateralize after \$650,000; second by Senkbeil; motion carried with no nay votes and Gartman abstaining. Motion by Sommer to have a second account at M & I Bank and to collateralize after \$650,000; second by Hoffmann; motion carried with no nay votes and Gartman abstaining.

13. **Proposals for outsourcing payroll from Schenck Business Solutions, David Begalke & Assoc. SC and Corson, Peterson and Hamann SC** – Motion by Senkbeil to enter into one year agreement with David Begalke for town payroll; second by Hoffmann; motion carried with no nay votes and Gartman abstaining.

14. **Appointment of Election Inspectors for Elections Held 2012 – 2013** – List provided by clerk and appointed by Chair Gartman to appoint.

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
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15. **Increase internet/computer speed at town office** – Work in progress, no action.
16. **Additional part/time staff at town office** – Review options, possible board action – No action taken, put on Dec. 19-2011 meeting agenda.
17. **Re-schedule Town Board Meeting (it falls on a holiday observed by Sheboygan County)** - Motion by Gartman to reschedule the first meeting of January to 6:00 p.m. on January 3, 2012; second by Bergin; motion carried with no nay votes and no abstentions.

OLD BUSINESS:

18. **Purchase of file cabinets for Treasurer** – Motion by Gartman to approve treasurer's purchase per review and approval of Supervisor Bergin; second by Senkbeil; discussion - Senkbeil recommended that any and all cabinets purchased are fire proof; motion carried with no nay votes and no abstentions.

NOTICES:

- 12/12/2011, 7:00 p.m. – Plan Commission Meeting at Town Office
- 12/14/2011, 6:30 p.m. – Employee Handbook Meeting at Town Office
- 12/15/2011, 6:30 p.m. – Town of Wilson First Responder Meeting/Training at Town Office
- 12/19/2011, 5:30 p.m./6:00 p.m. – Sanitary District No. 2 Commissioner Mtg./Town Board Mtg at Town Office
- 12/20/2011, 6:30 p.m. – Park & Forestry Commission Meeting at Town Office

AGENDA ITEMS FOR SUBSEQUENT MEETINGS:

- Lake Aire 4 Road Drainage (Schinker Creek Road) / acceptance of roads – Discussion/possible board approval

ADJOURN: Motion to adjourn by Sommer; second by Senkbeil; motion carried and meeting adjourned at 11:19 p.m.

Minutes submitted by: Cheryl Rostollan, Clerk