

Approved 11/16/2022
TOWN BOARD MEETING & BUDGET WORKSHOP
WEDNESDAY, OCTOBER 26, 2022
6:00 p.m.
FREEDOM TOWN HALL
W2004 COUNTY RD S

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE

Meeting called to order by Chairman Charles Kramer at 6:00 p.m.

Members present: Chairman Charles Kramer, Supervisor Kevin Schuh, Supervisor Jason Vandenberg and Supervisor Margo Fox. Supervisor Brandon Conrad arrived at 6:13 p.m.

Also present: Clerk/Treasurer Colleen Laha, Attorney Steve Frassetto, Jeff Kussow, Justin Keen from Cedar Corporation.

Supervisor Kevin Schuh led the Pledge of Allegiance.

2. VERIFICATION OF POSTING/ADOPT AGENDA

Posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 25th of October 2022 at 2:30 p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/ Halesi, LLC.

Motion made by Supervisor Jason Vandenberg with a second by Supervisor Margo Fox to adopt the agenda as posted.

4 Yea /0 Nay Motion Carried: Yes

3. CONSIDERATION OF MINUTES OF TOWN BOARD MONTHLY MEETING ON 9/28/2022 AND SPECIAL TOWN BOARD MEETINGS ON 10/13/2022 & 10/17/2022 - Tabled

4. PUBLIC COMMENT SESSION (maximum 15 minutes total)

Former Public Works employee Jon Bradle commented that the new lights on the outside of the Town Garage look very nice.

5. DISCUSS AND POSSIBLE ACTION ON AGENDA POLICY, RESOLUTION # 2022-07

Attorney Steve Frassetto explained that in Chapter One, the first part that deals with general government operations for the Town we had outlined agenda items. We deleted that language and had new language that he tried to match them to our agenda items adding No. 8 that is "Agenda items for future meetings", could come from comment session or board discussions. Board would not be able to deal with it that night but would be included on future agenda.

The second part is that the Town Chairman would continue to have general control over the placement of town business on the agenda, but there would be a mechanism to allow two town supervisors to submit a written request to the town clerk to have a specific item of town business placed on the agenda and if two supervisors do that and they meet the timeline for a Wednesday Meeting, by the Friday before, they will be included in the agenda. The board will still have the option of removing an item when adopting the agenda.

Motion by Supervisor Jason Vandenberg with second by Chairman Charles Kramer to adopt Agenda Policy, Resolution # 2022-07.

4 Yea /0 Nay Motion Carried: Yes

6. DISCUSS AND POSSIBLE ACTION REGARDING SCHMIDT ROAD ADDRESSING ISSUE

After a discussion with residents expressing displeasure with the address change and the associated costs and inconveniences it was decided that the Town would send a letter expressing the issues, and that the residents should be allowed to keep their current numbers.

Motion by Chairman Charles Kramer with second by Supervisor Brandon Conrad to send letter to county that the people associated with the address changes on Schmidt Road be able to keep their existing fire numbers.

4 Yea /0 Nay Motion Carried: Yes

Supervisor Jason Vandenberg – Abstained

7. DISCUSS AND POSSIBLE ACTION REGARDING GONNERING COURT ISSUES

Supervisor Kevin Schuh explained that he had talked to Earth Works and a couple of culverts need to be replaced. Supervisor Schuh also was checking with Outagamie County regarding whose responsibility it is for cost of culvert replacement and how they handle culvert replacement.

Tabled

8. CONSIDERATION AND POSSIBLE ACTION REGARDING BUILDING HEIGHTS IN COUNTRY FIELDS

Attorney Steve Frassetto explained that plans have a set elevation at the garage floor, if not followed drainage issues could result. He gave the reasons for setting the elevation according to the engineered plan. Other municipalities have ordinances or plans have a set elevation at the garage floor. Jeff Kussow explained how it currently is regulated by the County. The County approves the drainage plans and the stormwater plan for Country Fields Subdivision. Once the lots are sold and they want to build a home on the lot, they need to go to the County and they need to get a stormwater permit from the county, the County requires a survey quality site plan, so it shows existing and proposed contours on that plan. It also shows elevations of the finished floors of the building. And that needs to be submitted to the county for reviews for the stormwater permit and it is approved according to the stormwater management plan for that subdivision. So, if the County says it complies with the subdivision plan the County approves the Stormwater permit that you need to comply with the plan submitted. Then it is on the owner to comply. If the County finds that the plan was not followed, even years later, the county will go back to the owner and tell them you need to correct this issue.

The subdivision plan elevation and drainage plan heights for the Country Fields is being verified every day.

Tom Derks said they had checked on prices of engineers to verify for lots and Davel was the lowest cost. The cost would be passed on to the person obtaining the building permit. The cost would be added to the building permit. The building or clerk could contact Davel Engineering to go check. Davel Engineering would shoot the grade before they do the footing.

Supervisor Brandon Conrad is on board with using Davel Engineering. Jeff Kussow commented to keep in mind that you would be telling the homeowner what engineering firm to do the site-plan and to set these grades on your property. Right now, the county allows anyone to hire their own surveyor or engineer to submit those applications.

Supervisor Brandon Conrad is good with Davel. He thinks we should stick with the same engineer to do everything. Conrad commented that Tom Derks has been doing this for a long time and has a good track record. Supervisor Conrad is going to follow that advise to have Davel do this.

Attorney Frassetto suggested developing specifications for what is required. Developer Jason Vandenberg thinks that is a good idea so when someone comes in for a building permit the clerk can hand them this paperwork, this is what it takes to get a building permit in Freedom, there should be a document in place. Supervisor Conrad stated that it should be specific to this subdivision because it needs to trigger a review from Davel. Developer Jason Vandenberg agreed that it should be specific to Country Fields Subdivision.

The attorney stated, again, if there are future residential subdivisions and developments in Freedom, if this is what you think is a good practice, we would want it to have that apply.

9. PLAN COMMISSION REFERRALS:

- A. Discussion and Action on Final Plat Review Application for 72-Lot Country Fields Subdivision; Fox Cities Development Inc; PIN 090061900 (Lot 2 Of CSM 8321); Schmidt Road

Motion by Supervisor Brandon Conrad made a motion to approve the Final Plat Review Application for 72-Lot Country Fields Subdivision; Fox Cities Development Inc; PIN 090061900 (Lot 2 Of CSM 8321); Schmidt Road using a 66-foot temporary hammer-head turnaround at the east end of Khloe Lane. Motion failed for lack of second.

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve the Final Plat Review Application for 72-Lot Country Fields Subdivision; Fox Cities Development Inc; PIN 090061900 (Lot 2 Of CSM 8321); Schmidt Road as drawn using a 96 ft. diameter temporary cul-de-sac at the east end of Khloe Lane with the following conditions:

- 1. All comments outlined in the Outagamie County's 1st submittal review letter shall be addressed to the County's satisfaction prior to the Town signing the Final Plat for approval.***

3 Yea /1 Nay Motion Carried: Yes

Chairman Charles Kramer - Opposed

Supervisor Jason Vandenberg – Abstained

- B. Discussion and Possible Action on Road Right-of-Way Acquisition for Proposed Parkway Lane Extension
Attorney Steve Frassetto will continue to work with Cedar and the property owners for the acquisition of the proposed Road Right-of-way of Parkway Lane extension and report back as he makes progress on it.
- C. Discussion on Possible Creation of Tax Increment District No. 3 for Industrial Park Expansion
Jeff Kussow from Cedar Corporation went over creating a new TID. The town has sufficient capacity to create a new TID in the conceptual industrial park expansion area. Currently, none of the conceptual industrial park expansion area is in the Sanitary District and only a portion of this area is in the sew service area. Since it is assumed that sanitary sewer service will be provided to sites within a new TID boundary, the Town will meet the requirement to provide sanitary sewer service Sanitary District and Sewer Service Area amendments will be needed.
Jeff Kussow's recommendation is to set up a workshop with the town board and possibly the plan commission to start looking at where the boundary may be. Once we have a rough finalization of where that boundary would be then we can start with the project plan and get that process going. After we have the boundary determined we are looking at about a three-month process to get that TID approved.

Supervisor Brandon Conrad would be in favor of Cedar to get the ball rolling.

The workshop was scheduled for November 16 before the Town Board meeting at 4:00 p.m. Cedar will check with their TID team to see how long it will take to get the needed information. Or it will be pushed back to the December Plan Commission Meeting. The clerk will email the Town Board and Plan Commission Members when the date is determined.

Attorney Steve Frassetto was requested to attend the workshop.

10. DEPARTMENT REPORTS:

A. ENGINEER REPORT –

1) Country Fields Subdivision Construction Progress Update

- Update on utility and roadway construction progress and schedule
- Justin Keen from Cedar Corporation reported that all the sanitary sewer, watermain and storm sewer are all in for the whole project. Cedar was onsite the whole time. Now the roadways are being constructed so they will transition to part time or as needed. About three quarters of the roads are cut to subgrade so they'll be finishing up the subgrades.

2) Town of Freedom WISLR Certification

- The Annual WISLR (Wisconsin Information System for Local Roads) documentation paperwork and Town maps have been prepared for submittal to Wisconsin DOT. Required information will be submitted to WISDOT following Town Staff signatures Justin Kussow from Cedar Corporation reported that the document was completed and is ready for Chairman Charles Kramer's signature and then it will be submitted.

B. FIRE DEPARTMENT REPORT –

- 1) Update on storm damage repairs? Has the Town contacted the Insurance Company and Cardinal to get pricing approved so repairs can move forward? Action needed ASAP. The insurance company has submitted additional payments.
- 2) Brush Truck update – Possible Action. There are no updates, the fire department is still working on the brush truck.
- 3) Update on Radio Grant – The Fire Department did receive the grant for about 50% of what was asked for. The actual amount received will be \$83,200.00 and the 10% shared cost would be \$8,320.00. Typically, one entity needs to make the purchase for all. Appleton was the lead on this so they would probably cut the purchase on this, and Freedom would be billed our share to Appleton. Chief Mark Green will know more tomorrow night after the county meeting.
- 4) Change in Fire Station snow removal plan – Action Needed
At last month's meeting the board agreed to do an outsourcing for snow plowing at the station. The company that was approved at that meeting has had a change of direction in his career and is no longer available.

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve Spruce it up for plowing at the Fire Department this winter at a cost \$130.00 per hour.

5 Yea /0 Nay Motion Carried: Yes

C. Park Report – No report this month, meeting cancelled. Next meeting scheduled for November 9th at 6:00 p.m.

D. Public works report -

- 1) Written report given in packets
 - Discussion and Possible Action Pipe clean out at Town Garage – full of water, Kirk Schuh was called in to open. Speedy Clean will come in to unplug. Send quotes to clerk to make sure there is money in the budget.
 - Discussion and Possible Action of using auto gate and charging residents to use Brush Drop-Off – seen many coming from other communities. We need auto gates that residents would buy a key card. Purchase for \$10 the first year and renew for \$5 each year.
 - Discussion and Possible Action on snow plowing – The dump truck was brought into Truck Country in late September. It was to be repaired by October 3rd. Now they don't know when they will get the parts. We need a back up plan. Supervisor Jason Vandenberg talked to the County, they are short staffed and will not be able to help. Chairman Charles Kramer will contact local company.
 - General update on activities completed by Public Works Highway & Parks – see attached written report.

E. ATTORNEY REPORT –

- Parkway Lane Extension – Cedar Corporation hosted a kickoff meeting regarding the potential extension of Parkway Lane and the potential creation for a third TID. Cedar will take the lead on the TID No. 3.
- Board Governance Amendments – Frassetto report that he had prepared a proposed amendment to the Town's current Board governance ordinances/procedures. The amendment will be forwarded to the Town Board.

- Kramer Circuit Court Complaint – per the motion at the October 17, 2022 Special Town Board Meeting Frassetto is preparing the complaint that will be filed in Outagamie County Circuit Court.
- Vanden Berg Investigation – commenced the investigation regarding the ethics and malfeasance complaints made by Chairman Kramer. I will be meeting with the clerk to review Town records regarding Supervisor Vandenberg’s actions.
- Fox Investigation – Frassetto scheduling a meeting with Chairman Kramer to get more information regarding harassment by Supervisor Fox.
- Van Lanen Appeal – Mr. Van Lanen’s attorney would like to meet with town to determine if there is any revised plan that would be acceptable to the Town. They would be looking for TID developer incentives to cover any increased costs resulting from the changes. If Town is unwilling to discuss potential resolution, then a motion will be filed for a summary judgement and the matter will be presented to the Court for determination.
- Cermele & Matthews Claim – has been assigned to Judge Yadira Rein a date for a scheduling conference should be soon.
- TID No. 1 Audit – prepared a summary of the territory making up TID No. 1 and the allocation of that territory between commercial and residential to ensure compliance for a mixed use TID

11. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve vouchers 32807 through 32811, 32813 through 32851, Void checks 32852 -32856, 17 E-pays, 8 EFT’s, TID #1 checks 158-159. 4 Yea /0 Nay Motion Carried: Yes
Supervisor Jason Vandenberg abstained to the TID #1 checks.

12. MOVE TO CLOSED SESSION PER WI STATS 19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. DISCUSSION AND POSSIBLE ACTION FOR TOWN BOARD TO POTENTIALLY HIRE A DIRECTOR OF PUBLIC WORKS AND/OR ENGINEER AND/OR ADMINISTRATOR

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to move to Closed Session per WI STATS 19.85 (1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Discussion and possible action for town board to potentially hire a director of public works and/or engineer and/or administrator at 8:02 p.m.

Chairman Kramer – Yes Supervisor Conrad – Yes Supervisor Schuh – Yes Supervisor Vandenberg – Yes Supervisor Fox – Yes
5 Yea /0 Nay Motion Carried: Yes

13. RETURN TO OPEN SESSION

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to return to open session at 8:40 p.m.

Chairman Kramer – Yes Supervisor Conrad – Yes Supervisor Schuh – Yes Supervisor Vandenberg – Yes Supervisor Fox – Yes

5 Yea /0 Nay Motion Carried: Yes

14. ANY ACTION AS A RESULT OF CLOSED SESSION - None

15. TOWN BOARD ADJOURN TO WORK ON 2023 BUDGET

The Town Board adjourned to work on the 2023 budget at 8:43 p.m.

The Town Board finished working on the budget at 9:19 p.m.

Respectfully submitted,
Colleen Laha, Clerk/Treasurer