

TOWN of FOX LAKE Monthly Board Meeting Minutes

Monday, July 11, 2016 — Town Hall at 7:00pm

Chairman Schley called the Town Board meeting to order at 7:00pm with 4 members of the Board (Supervisor Brieman absent; note: Supervisor Flemming was late) and 21 other members of the public present.

The Fox Lake Fire Association Meeting is July 19, 2016 at 4:00pm. The Randolph Fire Association Meeting is Wednesday, July 13, 2016 at 7:00pm. The Next Town Board Meeting is Monday, August 8, 2016 at 7:00pm. There is no presently scheduled Plan Commission Meeting. The Town of Fox Lake Open Book will be Wednesday, August 10, 2016 from 3:00pm-6:00pm. The Town of Fox Lake Board of Review will be Wednesday, August 31, 2016 from 4:00pm-6:00pm. The August Partisan Primary Election will be Tuesday, August 9, 2016 from 7:00am-8:00pm.

Discussion ensued regarding the new roof that has been proposed recently for the Fox Lake Fire Association, possibly as soon as next year, which could be approximately \$100,000.00. Possibly a low-interest loan could be taken out to cover the expense. Chairman Schley was asked how long this was known; the response was that this has been known over a year. He will report further information to the Board as it becomes available. Supervisor Kok suggested that it would be easier to negotiate over a longer period of time if possible.

A motion was made by Supervisor Kok, seconded by Supervisor Eisenga, to accept the minutes of the regular Board meeting of June 13, 2016. All in favor motion carried.

Clerk/Treasurer Zantow presented to the Board the June 2016 Treasurer's Report: The General Checking account had a balance at the beginning of the month in the amount of \$360,272.31 with receipts in the amount of \$12,947.40, disbursements in the amount of \$64,273.54 for an ending balance in the amount of \$277,848.89. The LGIPF account had interest receipts of \$68.20 for an end balance of \$196,402.81. The Tax Savings Account balance had interest receipts in the amount of \$0.05 with an end balance of \$252.44. The Municipal Court Savings Account had receipts in the amount of \$2,112.39 with an ending balance of \$16,240.87. Finally, the newly-created Boat Launch Collections Savings Account balance had interest receipts in the amount of \$4.13 for an end balance of \$20,698.31 for a total all accounts of \$511,443.32. A motion was made by Supervisor Kok, seconded by Supervisor Eisenga to accept the Treasurer's Report as presented, all in favor motion carried. Clerk/Treasurer Zantow responded to concerns raised during a special Board meeting called on July 7, 2016 regarding the "estimated general fund balance" calculation which appears as an estimated figure at the bottom of the budget spreadsheet made available to the Board during the November Budget Hearing annually and also on the Town website at www.townoffoxlake.org. An error in transposition had created a typographical error in the estimated general fund balance calculation. The Town Auditor had

been notified and a handout was provided to the Board members present. A motion was made by Supervisor Kok, seconded by Supervisor Eisenga to accept the Treasurer's Report as presented, all in favor motion carried.

Under Communications: Chairman Schley explained that there are some partially failed and completely failing culverts at Lake Emily at the boat launch as the ends are buried and the Fire Department pumped some water through the culverts to attempt to assist with this. The doors of the bathrooms have been repaired at Lake Emily Park as well. Arlene Runkel asked if any communications had been received from her and Chairman Schley replied that an agenda item addressed this. Clerk/Treasurer presented information received from Dodge County indicating that due to age of the technology for the current optical scan equipment used for voting that the decision has been made at the County level to proceed with purchase of replacement voting equipment County-wide. Dodge County has approved contributing approximately 70% of the cost for this new voting equipment (approximately \$9,000.00), with the estimated Town portion to be \$2,800.00 which will be due December 29, 2017. The County requests if written commitment can be provided regarding this matter. Clerk/Treasurer commented in his opinion that there really are no other viable options and that the County has been very responsible and generous in their proposed plan. Chairman Schley suggested that this item be added to next month's agenda.

Under Public Input: First was Jerry Cypert, who had several four comments: A.) He suggested that if the Board would have called the next Special Electors meeting regarding village powers (currently scheduled for July 19, 2016), during the date that was previously informed per the electors of the meeting called by the electors for July 9, 2016 regarding rescission of the Town Board's authority to exercise certain zoning authority, that the Board would already have received village powers restored. He feels that this was reprehensible that this Board uses this kind of power to disrupt citizen input. B.) He commented regarding Supervisor Flemming's statement at the July 9, 2016 meeting to Jerry Cypert "to get your facts straight." He feels that he is owed an apology by Supervisor Flemming for these comments as providing correct information is the responsibility of the Board. He also commented that the July 7, 2016 Special Board Meeting called with the subject "Review Town Records" was in fact a budget meeting and the Town Clerk/Treasurer was not present. "This makes no sense to me whatsoever." Those issues that were brought up at the Special Electors Meeting on July 9, 2016 could have been addressed if the concerns mentioned at the July 7 Special Board Meeting would have been brought to the attention of the Clerk/Treasurer who could have brought information to the next meeting. Chairman Schley indicated that Mr. Cypert's three minutes for public input had expired. Lou Benter then donated her three minutes to Mr. Cypert and he continued: C.) Regarding buoys he cited statements made by Supervisor Flemming during the June 13, 2016 Board Meeting that the Town could no longer issue buoy placement permit request made per Beaver Dam Lake Improvement Association representative "due to the loss of village powers." Mr. Cypert said that an individual present attempted to correct this statement made by Supervisor

Flemming and this information was not accepted. He then recited from Wis. Stats. 61.34 to the Board members present. He requested that someone from the Board demonstrate how the Board did not have the authority to issue said permit and that he also felt that the applicant is owed an apology for the misinformation provided, "because of a hidden agenda." D.) Regarding County Zoning that Supervisor Flemming had stated at a meeting two-three months ago and again repeated at the Saturday, July 9, 2016 Special Electors Meeting that, "the County is too busy to do zoning [for the Town of Fox Lake]." Mr. Joe Giebel's comments at the Special Electors Meeting of July 9, 2016 were to the contrary to this statement. Mr. Cypert stated that he had contacted Dodge County today via phone and they had stated in response to the above statements that, "[it] is not true [that the County is too busy]. We want to help. We hope all Towns will work with us." Mr. Cypert asked if anyone from the Dodge County office had made statements to Town of Fox Lake officials to the contrary and received a response to the negative. Mr. Cypert presented an open records request to request the information of Supervisor Flemming from whom this information was received and the date of same. A response is expected within 10 days.

Next was Joan Schmidt who stated that many things had come out at the Special Electors Meeting mentioned above, and reported that Chairman Schley had been handing out "personal agenda of his own time, sign[ing] it 'Chairperson Schley'". Ms. Schmidt asked why the other Board members had not stopped him from doing this as now a collective liability had been assumed for what was in that letter. Supervisor Kok stated that he did not see the letter until after the meeting. Chairman Schley stated that there was nothing in that letter that wasn't true. Ms. Schmidt stated that that wasn't the point, but instead that prior to the Special Electors Meeting on July 9, 2016 was not the time to be "slanderous to a fellow elector." She stated that, "it wasn't even part of the agenda." Chairman Schley stated that part of Ms. Schmidt's complaint was that [the Board] spent too much money on the Zoning Administrator, and that the facts that were in said letter were expenditures that were incurred prior to him becoming Town Chairman. Now the current Board is responsible for those costs. Ms. Schmidt stated that all of this had nothing to do with the abovementioned meeting, which was about the subject of the electors' vote to rescind Town zoning authority or not. Chairman Schley stated that he felt it "had everything to do with [said] meeting." Chairman Schley said that he would provide a copy of said letter upon request of the Board and he accepts responsibility for this. Next, Ms. Schmidt asked why the statements were made at the Special Meeting July 7, 2016 and again at the abovementioned Special Electors Meeting that "there was money missing." Chairman Schley stated that he called the meeting and he did not know that the Clerk/Treasurer was out of town. Ms. Schmidt stated that if that was the case the meeting should not have been called. Ms. Schmidt stated that the Town Auditor should have been contacted as during the meeting financials from 2012 and 2013 were discussed and this information would be with the Town Auditor. Statements were made that things were wrong, why was the Auditor not contacted? It appeared that, "you were throwing Mason under the bus." She stated that if the Board was going

to properly take him into consideration this should have been a closed session meeting between the Clerk/Treasurer, the Auditor, and the Board, not just accusations from a member of the public in open session. Chairman Schley asked of the Board members present if at the said meeting any accusations were made of the Clerk/Treasurer that funds were mis-managed? Supervisor Eisenga stated that following the meeting he was confident that things were OK, perhaps there were some things mis-categorized, and that overall he did not have the same concerns that he had going in to said meeting. Ms. Schmidt then asked if Chairman Schley: "Have you paid for your culvert yet?" Chairman Schley stated that he had paid for his culvert. Ms. Schmidt: "You paid the \$2,200.00? What did you pay?" Chairman Schley asked Supervisor Flemming if he had paid the full amount for the culvert and Supervisor Flemming responded that he had. Chairman Schley announced that the Town Attorney was going to come to the August meeting and explain his decision that the matter is done and the culvert is paid for. Supervisor Flemming stated that the Attorney is listening to the recording of the meeting and he is coming to the August meeting to discuss the matter. Supervisor Kok recommended that this be a closed session meeting. Supervisor Kok stated that he was simply notified that there was a meeting for July 7, 2016 and that he did not know that the Clerk/Treasurer would not be there.

Clerk/Treasurer stated for the record he would like it noted that he was informed by the Chairman by phone that a special meeting was called for July 7, 2016 for the purpose of "Reviewing Town Records" and he had informed the Chairman during that phone conversation that he would not be able to be present due to prior commitments and this was precisely why the Deputy Clerk/Treasurer was requested to be present in his absence as the acting Clerk of the meeting.

Next was Kathy Rydquist who stated that the FLILPARD office had received a call from someone who identified himself as working for the Fox Lake Golf Club that regarding some land that had been annexed by the City of Fox Lake near Oaks Road from the Town some years ago that there was some discussion about possible development of the land and it might be considered to return said land to the Town. No one on the Board had heard any discussion of this matter. No more information was available regarding this matter.

Wayne Kok stated that during the abovementioned Special Meeting of the Electors on July 9, 2016 he would like it noted in the record that the Town Board was not responsible for statements made by Supervisor Flemming or the letter provided by Chairman Schley and that, "if there are legal issues because of these two things we are not responsible. This was a meeting of the electors and the speeches that were made and the letter that was handed out...the Board is not responsible for those." Chairman Schley stated "so noted."

Chairman Schley stated that he had heard that some of the young people that had attended the abovementioned Special Electors Meeting were "paid in cash" to attend the meeting and that he was appalled by that. Jerry Cypert and Ed Benter stated that their son and stepson, respectively

were not paid to attend the meeting. Ed Benter stated that the Chairman was making statements that were false. Chairman Schley said that he was reporting a public comment. Tom Wissing said that this was not demonstrable fact. Jerry Cypert asked from whom this information was heard and Chairman Schley stated that he did not wish to disclose this. Jerry Cypert stated that this was not acceptable. Supervisor Kok stated that it made his heart ache to hear comments such as this and that more respect needs to be exercised amongst the individuals present, and that it starts with the Board and there needs to be a change. Jerry Cypert commented that the abovementioned Special Electors Meeting was an example of how a meeting should be run and that the comments were respectful. Chairman Schley stated that he agreed with Supervisor Kok in regards to the current Board and the conflict with “old members of the Board,” and it appears that some people are not happy with the vote of the people. Too much arguing goes on at these Board meetings and it gets us nowhere. Supervisor Kok stated that the example starts with him. Chairman Schley stated that when he started as Chairman he “tried to be as kind as he could be...and I got slammed and I got slammed and I got slammed, and it continues.” He repeated these comments again and that he has become sick of it. A member of the audience requested that the Board get on with the meeting.

Committee Reports:

Under Police & Lake Patrol Report: Chief Officer Terrence Gebhardt was present to report to the Board that over the month of June 2016 a total of 91.0 hours were worked over 1,360 patrol miles issuing 8 verbal warnings and 14 traffic citations and 0 parking citations, providing assistance for 0 accidents, assisting local agencies 2 times and local EMS once.

Under Government Relations: Supervisor Flemming reported that FLILPARD has been active in organizing aquatic weed removal mechanically and also through permitted weed poisoning and that weed removal had also been done by Kyle White. She stated that we ought to thank FLILPARD.

Under Roads: Supervisor Kok stated that Indian Point Road is in process and the progress looks good. Shouldering is done on Lake Emily Road, Indian Point Road, Blanecae Road and is still under budget. Pleasant Road has been shouldered as well. There is one tree that appears to be outside of the right-of-way on Blanecae Road and it needs to be handled professionally. Tom Wissing reported that the signs had been put up at the parks. Per Chairman Schley Lake Road cannot have No Parking signs placed, unless an amendment is made to the existing ordinance. This applies to several roads in the Town including Chief Kuno Trail and Blackhawk Trail.

Under Waste Disposal & Recycling Committee: a request has been made to the garbage vendor to empty the garbage at the boat landing on Spring Road. The question came up if the correct number of garbage collections in the Town was established with the vendor and Clerk/Treasurer Zantow stated that this had been approved per email correspondence sent approximately two

months ago. Chairman Schley presented a payment received for scrap metal recycling received by Boothill Recycling to the Clerk/Treasurer.

Under Parks & Lakes: Supervisor Flemming reported that blacktopping and striping had been performed at Town Park and a bench is currently being repaired.

Details were provided by Kathy Rydquist regarding the upcoming annual FLILPARD meeting.

Nothing was reported per Public Safety & Service Committee.

Old Business:

“Dam at Lake Emily”: Chairman Schley reported that the new grate installed at the Lake Emily Dam has been observed to be functioning well and has been inspected by a representative of WI DNR.

“Progress on New Boat”: Chief Officer Gebhardt reported to the Board that the required letter has been issued to WI DNR and that a response is now awaited to continue to the next phase of this process.

“Camper Illegally Parked (Police Report)”: Chief Officer Gebhardt stated that the owner of the RV in question which was not registered and the owner assured him that it would be registered by today. The owner stated that he was not dumping in the FLILPARD sewer due to the fact that he had received a fine for this prior and he was dumping sewage at Derge Park instead. Chief Officer Gebhardt stated that he could not identify any prohibition per Town Ordinances that said RV could not be parked where it is. Chairman Schley stated that perhaps an amendment may need to be made to the ordinances but this should be delayed until the result of the Special Electors Meeting on July 19, 2016 regarding village powers.

“Mark Grahn Pit”: Supervisor Eisenga stated that a contract exists through 2018 and that a renewal would be considered after that and that possibly some sort of compensation could be considered. Mr. Grahn states that he does not want any burning to be allowed in the pit. The conclusion is that the Town is secured for this service for the time being but perhaps this matter should be considered during the upcoming budget hearing.

“Job Descriptions”: Several members of the Board presented several job description drafts completed including the Deputy Clerk/Treasurer and Roads Mowing and Brushing job descriptions although several require completion yet.

New Business:

“Transfer Money from Boat Launch Collections Savings Account to Cover Sealing of Town Parking Lot”: A motion was made by Supervisor Kok, seconded by Chairman Schley to transfer \$9,900.00 from the Boat Launch Collections Savings Account to the General Checking Account, all in favor motion carried. Clerk/Treasurer Zantow again attempted to explain to the Board members present that the account balance in this fund could not be used as an accurate budgeting guide.

“Quit Claim Deed to Gallenberg’s”: A motion was made by Supervisor Kok, seconded by Supervisor Flemming to complete the quit claim deed for the Gallenberg parcel with all legal expenses paid by the Gallenbergs; all in favor motion carried.

“Buoy Placement Requested by Arelene Runkel for South Side of Chief Kuno Trail”: Ms. Runkel and other members of the public were present to demonstrate the benefit of channel buoy placement on the south side of Chief Kuno Trail and that they had been present until two years ago. Per the Chairman no channel buoys are available for this use at present. A suggestion was made that Tom Wissing modify some other existing available buoys for the purpose with a show of support by the Board as a solution to this matter.

“Donations to Civic Events”: A motion was made by Supervisor Kok, seconded by Chairman Schley to donate \$800.00 payable to the Fox Lake Chamber of Commerce for the Fox Lake Fireworks, all in favor motion carried. A motion was made by Supervisor Flemming, seconded by Supervisor Kok to donate \$300.00 payable to the Fox Lake Fire Department for the 2016 Car Show event.

“Operators Licenses: Eric Wollert, Sydney Osborn, Nicole VanBeek, Pene Haffele, Marissa Schmitz, Julie Chapman, Bethany Derksen”: A motion was made by Supervisor Kok, seconded by Supervisor Eisenga to accept these operators licenses; all in favor motion carried.

“Zoning”: Chairman Schley started out by saying, “I think our Town Attorney has asked that we scratched this item off the Agenda.” The discussion then turned to Supervisor Flemming asserting that this item had not in fact been added to the Agenda and proceeded to read the contents of an email received from the Town Attorney premised on the statement that this item had not been added to the Agenda. However, clearly this item had been added to the Agenda, as Clerk/Treasurer Zantow, who is generally responsible for posting the agenda, stated that for the record he had received a call from Chairman Schley on Thursday of last week requesting that the word ‘zoning’ be added to the Agenda and he have saved a copy of this on the voicemail of my cell phone and would be willing to play this recording for anyone upon request. It was finally agreed that this item was indeed added to the Agenda per the determination of the Chairman. Supervisor Kok asked Chairman Schley and Supervisor Flemming why stalling tactics were being used to delay the inevitable consideration of the Town adopting County Zoning following the demonstration of public support for this at the July 9, 2016 Special Meeting of the Electors. He then went on to read an email that was evidently received by the Town Attorney earlier that the abovementioned email received by Supervisor Flemming, the content of which strongly advised the Board to consider adopting County zoning as soon as possible.

A motion was made by Supervisor Kok, seconded by Supervisor Eisenga to pay bills, all in favor, motion carried.

A motion was made by Supervisor Kok, seconded by Supervisor Eisenga to adjourn.

Meeting adjourned at 9:00pm.

Respectfully submitted,

Mason Zantow, Town of Fox Lake Clerk/Treasurer