

TOWN of FOX LAKE Minutes of Special Meeting of the Town Board Following the Special Meeting of the Electors to Reinstate Village Powers for the Town of Fox Lake, Regarding Resolution to Adopt Dodge County Zoning and Retain Linda Truelove, CPA of Truelove and Company to Review Any/All Financial Record of the Town of Fox Lake.

Tuesday, July 19, 2016 — Town Hall at 8:40p.m.

The special meeting of the Board was called to order by Chairman Schley at 8:40 following the Special Meeting of the Electors with a roll call performed by Clerk/Treasurer Zantow with the following Board members indicating their presence: Supervisor Brieman, Supervisor Kok, Supervisor Flemming, Supervisor Eisenga, Chairman Schley, Attorney Horne, Clerk/Treasurer Zantow and 57 other members of the public present.

The first agenda item was “Resolution to Adopt Dodge County Zoning”.

Under Public Input:

Kenneth Wolf of Blackhawk Trail asked if the recent motion per the Special Meeting of the Electors July 9, 2016 to rescind Town Board authority to perform zoning could be now changed. Attorney Horne explained the procedural manner in which this could be done per Wis. Stats. Chapter 60. Mr. Wolf then criticized the electors who had circulated the petition for the special meeting to rescind village powers, that, “[the signatories] didn’t know what they were signing.” He also asked if this item could be added per referendum on the ballot of an election; Attorney Horne indicated that this would be possible per 8.37 Wis Stats.

Next was Josh Cypert who stated his personal testimony as an elector who circulated the abovementioned petition that he had dedicated his time as a college student on break, going out talking to people and that he did indeed take time to explain the petition as best he could, as thoroughly as possible.

Beverly Quast asked for clarification on what the Board is voting on presently.

Laurie Crescio of Hwy AW asked regarding how different Dodge County zoning ordinances are from the Town zoning ordinances. Attorney Horne stated that at the July 9, 2016 meeting Joe Giebel of Dodge County specifically addressed this issue specifically and that the Dodge County zoning ordinance is more comprehensive and includes more zoning districts, longer in length, etc.

Supervisor Eisenga commented that the Board had made special efforts to mail out educational material to the public and the vote of the July 9, 2016 was representative of the public opinion on the matter.

Supervisor Kok stated that the electors from the Town of Fox Lake had indicated their support to rescind the Town’s authority to enforce zoning, therefore it should be supported to adopt Dodge County zoning.

Wayne Kok made a motion to adopt a resolution to that would transfer Town of Fox Lake zoning authority to Dodge County zoning authority; however, prior to execution of this transfer of zoning authority the Town should also consider and vote on adoption of a land division ordinance, with a four-week time limit on the execution of the abovementioned. This motion was seconded by Supervisor Eisenga. Discussion ensued by the Board members both for/against the motion, with a roll call vote was then called per the request of Supervisor Flemming:

Supervisor Brieman: in favor

Supervisor Eisenga: in favor
Supervisor Kok: in favor
Supervisor Flemming: opposed
Chairman Schley: opposed

The motion carried by majority vote.

The meeting then proceeded to the next agenda item.

A motion was made per Supervisor Flemming, seconded by Chairman Schley to retain Linda Truelove of Truelove and Company for review of any/all financial records for the fee of \$800.00. Supervisor Kok requested where in the budget this amount would be coming from since previous indications were that Ms. Truelove would volunteer for these efforts. Ms. Truelove, who was present in the audience, was asked per the Chairman to explain this. Ms. Truelove indicated in order for the Town to retain her to perform these services a fee must be paid. She stated that the amount was a “good deal for the amount of work which might be involved,” which is a different service than would be performed by the Town Auditor, in her opinion. Supervisor Brieman requested clarification on the amount that is budgeted annually for the Town Auditor and this amount was stated by the Clerk/Treasurer to be \$5,000.00. Supervisor Flemming stated that the Town budget can be adjusted, why shouldn't this be considered?

Attorney Horne informed the chairman that allowing public input was advised on this second agenda item.

First was Joan Schmidt, who asked the Board why this was being considered. The Town Auditor is paid \$5,000.00 for this same service for the Town annually. The auditor should be the first person to call in the instance of a concern regarding the “discrepancies” which were mentioned by Supervisor Flemming at prior meetings. She asked if the Auditor was asked to participate in this meeting; the answer was obviously no. She has concerns about how the Auditor would perceive this proposal, avoiding their assistance for a service that they already are performing. Currently the Auditor is not completed with the 2015 annual audit as they are usually not able to complete these until the middle of the summer. Supervisor Flemming had stated on the record at a previous meeting that “\$72,000.00 was unaccounted for;” this sounds like an accusation.

Next was Dean Streich, who stated that as a previous Board member he questioned why a non-resident was being selected to perform this work over the Town Auditor, a firm which has been performing this service for the Town for the past 18 years and regarding which a discrepancy has never been observed. He recommended that if the Board wanted to utilize Ms. Truelove's time that they pay her for her effort, in person at the office of question at the office of Wells, O'Conner and VanderWerff in-person when the audit process is being performed. Also, there are social security numbers and other protected employee information and asked whether or not she was bonded or not. Does she have a fiduciary bond? The Clerk/Treasurer is covered per a fiduciary bond for errors and omissions that is paid for every year. He recommended that the Board members review the information in

Next was Linda Truelove, who explained that she was proposing to help the Town in a way that was different from what the auditor does by looking at accounts, cut expenses, and get the Town on a corrected budget and cut expenses for the remainder of the year, and that she was doing this out of the goodness of her heart for such a cheap price. She stated that she was a CPA and has a code of ethics that she adheres to and will not disclose social security information, etc.

Next was Darlene Cypert who stated that her understanding was that Ms. Truelove was going to do this as a volunteer, meaning free of charge.

Ms. Truelove stated that she did want to do these services voluntarily but got resistance from the Town Clerk/Treasurer, therefore she wanted to make her service retained officially.

Clerk/Treasurer Zantow then addressed the Board and members of the public that he did not “resist” the requests of Ms. Truelove and explained that when he was requested by Ms. Truelove to provide an electronic copy of the Town QuickBooks data files he stated that he was personally inclined to do this but stated to Ms. Truelove that he would need to first consult with the Town Auditor on the advisability of this. He felt that this should not be portrayed as “resistance” but instead that he was performing his professional responsibility to protect the Town in the absence of a Board motion authorizing same. Chairman Schley then addressed the Clerk/Treasurer that in a previous phone conversation that he had “warned” the Chairman in some aspect of this process and the Clerk/Treasurer stated he believed that the phone conversation was specifically about the request of Ms. Truelove for the Town to provide the QuickBooks data files. Clerk/Treasurer Zantow asked if there were any further questions. Supervisor Flemming asked why some of the Clerk/Treasurer’s emails are now coming from “CenturyLink Customer” instead of “Mason Zantow” as they always had been done before and that “a lot of your emails about this situation are coming from ‘CenturyLink Customer’?” She asked some people why this might be occurring and it was suggested to her that perhaps the Clerk/Treasurer was trying to avoid a paper trail. The Clerk/Treasurer stated that he has not changed his email or any settings of the email service and did not know what these insinuations were about. Clerk/Treasurer Zantow stated that he would like to point out that Supervisor Flemming is again targeting him and making allegations in the public forum about the quality of work that the Clerk/Treasurer performs. Previous statements were made at the special meeting of the electors and are published in the minutes of the special electors meeting. He questioned Supervisor Flemming: “What evidence do you have for these statements, Supervisor Flemming?” He also requested again a public apology for these statements and insinuations in the public forum. No response from Supervisor Flemming was received. He also stated that he had already made an appointment to discuss matters per request of Ms. Truelove this week for Saturday, July 23 at 9:00am.

Next was Josh Cypert who asked where in the budget this additional expense was? The answer had not yet been provided by the Board members who support this. In his view we are just spending more money with the cumulative result of overspending. Chairman Schley stated that her focus will be on several areas where the Town is overspending. He then dialogued with Ms. Truelove regarding the defects in the current spending scheme and asked regarding the garbage fees why we have a difference between the projected fees collected for garbage collection and the fees for the service. Clerk/Treasurer Zantow explained that the Town Board adopts the budget per majority vote, not the Clerk/Treasurer. A monthly report of all spending that occurs and its relationship to the general fund is provided to the Board contained in some 20-odd pages. All of this is audited annually. The annual report is published on the Town website.

Next was Ed Benter, who stated that he supported the Clerk/Treasurer, that the Town Board is responsible for all of the expenses the Town Board has. If there is some problem with expenses it is not anyone’s fault other than the Town Board’s. The Town Board approves bills and pays bills every meeting. The Town Board approves a budget detailing how much will be spent annually. If the Board can’t live within this budget, don’t go blaming anyone else, and don’t hire another independent auditor for another \$800.00 that’s not in the budget to tell the Board how to do it; he advised the Board to take some time and look at their financials.

Next was Kim Pruitt who agreed with what Ed Benter said above and advised the Board to get to know their own financials and offered the advice that maybe Ms. Truelove's assistance could be provided in the consultant role. She feels that Ms. Truelove is highly skilled, that the Clerk/Treasurer is doing his job; now it's time for the Board to do their job. The Board can change their budget and line items as needed.

Dean Streich stated that the Board members get a detailed financial report every meeting and that the Board has their budget in front of them, detailing budget vs. actual amounts. Supervisor Flemming stated that the garbage estimated income is not correct for the garbage. It is possible to cut back on Roads in order to make up the difference for other items that are projected overages. There is still confusion amongst the Board regarding the reason how/why the garbage fees were set at the previous Budget Hearing. Clerk/Treasurer stated to the Board that a spreadsheet was provided at the previous Budget Hearing that explained this in-detail and this was approved by the Board, and that he was willing to review this information with the Board members of the Waste Disposal and Recycling Committee.

Cheryl Beier questioned if there were opportunity for surplus in the Boat Launch Collections accounts.

A vote was finally called with a vote of three opposed, two in favor, motion failed.

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

Meeting adjourned at 10:00pm.

Respectfully submitted,

Mason Zantow, Clerk/Treasurer