

TOWN of FOX LAKE Monthly Board Meeting Minutes

Monday, August 8, 2016 — Town Hall at 7:00pm

Chairman Schley called the meeting to order at 7:00PM with four members of the Board (Supervisor Eisenga absent), Town Attorney Chase Horne, and 16 other members of the public present.

Under “Upcoming Meetings”: the Fox Lake Fire Association meeting is Tuesday, August 9, 2016 at 4:00PM. The Randolph Fire Association meeting is Wednesday, October 12, 2016 at 7:00PM. There is no presently scheduled Plan Commission meeting. The Special Hearing with WI DNR Regarding Lakeview Dairy will be Wednesday, August 10, 2016 at 10:00AM at Town Hall. The Town of Fox Lake Open Book will be Wednesday, August 10, 2016 from 3:00PM-6:00PM at Town Hall. The Town of Fox Lake Board of Review will be Wednesday, August 31, 2016 from 4:00PM-6:00PM at Town Hall. The August Partisan Primary election will be Tuesday, August 9, 2016 from 7:00PM-8:00PM. The Next Monthly Board meeting will be Monday, September 12, 2016 at 7:00PM at Town Hall.

Under “Reading of Minutes”: the Clerk/Treasurer presented the following minutes of the Town Board for review and approval by the Board members present: June 29, 2016 special meeting, June 30, 2016 special meeting, July 7, 2016 special meeting, July 11, 2016 monthly board meeting, July 19, 2016 special meeting and the July 22, 2016 special meeting. A motion was made by Supervisor Flemming, seconded by Supervisor Kok to accept the minutes as presented from the June 29, 2016 meeting. All in favor motion carried. A motion was made by Supervisor Brieman, seconded by Supervisor Kok to accepted the minutes as presented from the June 30, 2016 meeting as presented, all in favor motion carried. A motion was made by Supervisor Brieman, seconded by Supervisor Flemming to amend the minutes with the addition, “The Board came to a consensus that it wished to retain Linda Truelove CPA at \$0.00.” All in favor, motion carried. A motion was made by Supervisor Brieman, seconded by Chairman Schley to accept the minutes for the July 7, 2016 meeting as amended, all in favor motion carried. A motion was made by Supervisor Brieman, seconded by Supervisor Kok to accept the minutes as presented for the July 11, 2016 meeting as presented, all in favor motion carried. A motion was made by Supervisor Brieman, seconded by Supervisor Flemming to accept the minutes of the July 19, 2016 meeting as presented, all in favor motion carried (Supervisor Flemming abstaining from vote). A motion was made by Supervisor Brieman, seconded by Supervisor Kok, to accept the minutes from the July 22, 2016 meeting as presented, all in favor motion carried.

Treasurer’s Report:

Clerk/Treasurer Zantow presented the July report including the following: General Checking Account having a beginning balance in the amount of \$277,848.89 with receipts in the amount of \$45,025.29, disbursements in the amount of \$31,668.71 for an end balance of \$291,205.47. The

Local Government Investment Pool Account had receipts in the amount of \$69.92 for an end balance of \$196,472.73. The Tax Savings Account balance remained unchanged at \$252.44. The Municipal Court Savings Account remained unchanged at \$16,240.87, and the Boat Launch Savings Account remained unchanged at \$20,698.31 for a total all accounts of \$524,869.82.

The Board then accepted the commentary of the Town Attorney who was requested to be present for the meeting regarding agenda item “Culvert Payment Issue on Brave Road”, which is the issue of the outstanding invoice issued to Chairman Schley in the amount of \$2,217.00 for the culvert placed on his property, which had discussed at length during the March 14, 2016 regular Board meeting and motion made per the Town Board documented in these minutes, which were subsequently approved per majority vote of the Town Board. After being advised to do so, Chairman Schley abstained from the discussion of the matter from the outset. The issue at present is that a partial payment has now been received by Chairman Schley with “paid in full” written in the memo line of the check, attached to an invoice previously not received by the Board from the original contractor. The Clerk/Treasurer was of the opinion that he was not authorized to either cash the check in the reduced amount due to the “paid in full” notation on the check, nor was he authorized to outright reject the payment, therefore the payment had been suspended pending review and decision of the Board on the matter. Attorney Horne provided the opinion that since this matter was defined specifically per Board motion during the March 14, 2016 to invoice the Chairman in the full amount of the invoice received from the contractor (\$2,217.00) and that the minutes of this meeting were also approved per majority vote of the Board there is no question that the appropriate amount to collect is the amount stated clearly in the motion. Attorney Horne clarified that there was only one invoice under discussion since the outset of this issue, the abovementioned invoice in the amount of \$2,217.00. The Clerk/Treasurer also asked Town Attorney Horne regarding the appropriateness of holding the check due to the abovementioned reasons until authorized by the Board, and the response was in the affirmative. Town Attorney Horne recommended that the Board resend Chairman Schley an invoice with revised language specifying consequences if payment is not received in 30 days.

Supervisor Flemming requested information regarding amendment of ordinances. Attorney Horne suggested that in the interest of cost savings the Board members create draft ordinances for ultimate review by the Town Attorney, unless a very specific ordinance is sought for which a text may be pre-existing as a template. She also suggested that Robert Roth may be skilled as an individual to help with changes to the Land Division Ordinance for cost savings vs. attorney fees.

Per request of Kenneth Wolf who was in the audience the Chairman then directed the meeting to Public Input. Ken had questions for the Town Attorney regarding his opinions regarding the petitions that were circulated prior to the special electors meeting to rescind certain zoning authority and also made allegations to “illegal voting” during said meetings, as well as other questions regarding options for recourse to the outcomes of said meetings. Attorney Horne

explained that the votes from the special electors meetings last month are binding, and that if questions remain regarding legality of the voting process these would perhaps be better pursued with the District Attorney's office. Next was Joan Schmidt who asked when Chairman Schley would be required to pay the resent invoice mentioned above, and the response of Attorney Horne was that there should be notification on the invoice regarding consequences for not paying. Next was Tami Eisenga who questioned a typo observed from the minutes previously approved by the Board. She also question the parameters of the activity of Linda Truelove, CPA as retained by the Board and pointed to the statements made during the three special meetings that had been called for the purpose of retaining this individual.

Next was Jim Wissing who recommended to the Board to consider requesting an additional garbage dumpster for placement at Town Hall as in his observation this is needed as a significant amount of garbage is being placed in the recycling containers.

Next was Armond Alsteen who commented regarding the lake's appearance and recommended strongly that the Town work with the Inland Lake District on weed removal. Per Chairman Schley there is no solution offered per WI DNR regarding controlling weed growth. The current aquatic weeds have been observed to have significant growth which further complicates the situation. Additionally it is possible that a fish die-off could occur. Per Supervisor Flemming there is current discussion at the Inland Lake District regarding possible options for further aquatic weed harvesting yet this year.

Next was Mike Kamp offered some personal observations of the history of aquatic weeds on Fox Lake, which has been significant at times, and that the current excessive aquatic weed growth is likely due to a combination of factors including zebra mussels, mild winters, etc. and recommended that it be considered that weeds be removed in October-November if possible.

Clarence Feucht related similar issues experienced on Lake Emily before with the conclusion that Eurasian Millfoil has a ten-year cycle.

Communications: Clerk/Treasurer Zantow presented information to the Board indicating that the general liability, auto and worker's comp insurance carrier had communicated intent to non-renew the current policy, indicating that replacement insurance coverage will likely be significantly more expensive. Clerk/Treasurer Zantow recommended that this issue is taken very seriously by the Board as an imminent priority which must be addressed as soon as possible as the policy is set to expire in November.

Committee Reports:

There was no Police & Lake Patrol report presented due to the absence of Chief Officer Gebhardt due to reasons informed to the Board per the Clerk/Treasurer per communication received.

Governmental Relations: Nothing was presented to the Board under this Committee.

Roads: Supervisor Kok reported that the work on Indian Point had been completed and came in at budgeted amount but requires striping. Ideal state would be to complete this at some point in the future, however there are questions at present about where the Town will come out financially and if some of the Roads work may need to be delayed. Supervisor Kok advised strongly that the Board works together to help establish by the next meeting if any anticipated budgeted amount will remain for Roads projects yet this year. Supervisor Flemming provided some handouts regarding culverts.

Waste Disposal & Recycling: Supervisor Brieman reported that a few phone calls had been received about garbage not picked up but the vendor has been responsive to making corrections. The bin at the Beaver Dam boat launch also was emptied.

Parks & Lakes: Supervisor Flemming provided a handout to the Board regarding the importance of wetlands. The park bench has not yet been returned. Clarence Feucht reported that the aerators had been operated. Lake Emily has been heavily fished.

Public Safety & Service: No information was presented regarding this Committee.

Old Business:

Under “Job Descriptions”: the Committees presented several new job descriptions for review of the Board members present including the Parks & Lakes Attendant position. Job descriptions have now been received for all positions for the Town.

“Progress on New Boat” was tabled due to the absence of Chief Officer Gebhardt per above.

Under “Amendment to Ordinance About Buoy Placement”: no action was taken on this matter as the Board had been advised per Town Attorney Horne to create draft documents for his review in order to expedite and reduce cost in the business of creating new Town ordinances.

Under “Salt Shed Roof”: The Board considered options for replacing the existing Salt Shed roof per an estimate obtained from a vendor. A motion was made per Supervisor Brieman, seconded by Supervisor Flemming to pursue repair of the Salt Shed roof. Discussion ensued regarding the financial feasibility of performing this yet this year resulting in the withdrawal of the motion per Supervisor Brieman.

New Business:

Under “Purchase of Replacement Voting Equipment”: a motion was made by Supervisor Brieman, seconded by Chairman Schley to authorize the Election Voting Equipment Agreement as presented to the members of the Board present in their respective packets. All in favor, motion carried.

Under “Amendment to Ordinance to List Lake Road as One Where No Parking Can Be Posted”, please see line item above regarding another proposed amendment to ordinance issue, no action was taken by the Board regarding this matter.

Under “Boat Launch at Town Park”: no action was taken by the Board regarding this matter.

Under “Revision of Land Division Ordinance”: please see line item above regarding another proposed amendment to ordinance issue, no action was taken by the Board regarding this matter.

Under “Division of Salt Shed and Old Dodge County Highway Shop per Survey Results”: A motion was made by Supervisor Kok, seconded by Supervisor Brieman to dedicate corner of Trenton St. and Spring St. equaling 259 square feet to the City of Fox Lake per advice of surveyor Scott Hewitt, all in favor, motion carried.

Under “Land Division DeBoer Property”: The Town Board did not take any action on this matter.

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

A motion was made by Supervisor Kok to adjourn.

Respectfully submitted,

Mason Zantow, Town of Fox Lake Clerk/Treasurer