

TOWN OF RIB MOUNTAIN
Regular Town Board Meeting
October 7, 2014

Chairman Allen Opall called the meeting of the Rib Mountain Town Board to order at 6:30 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road. Present were Gerry Klein, Pete Kachel, Jim Legner and Fred Schaefer present via phone a quorum.

Also present were Town Attorney Kevin Terry, Building/ Zoning Administrator Dan Dziadosz, Streets/Parks Superintendent Scott Turner, SAFER District Fire Chief Steve Mielahn, CEO Paul Hursh and Clerk/ Treasurer Connie Beyersdorff and one Town resident.

On October 3, 2014 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

Public Comment on Town Board Agenda Items - There was no public comment.

Approve Minutes of 9/16/14 Regular Town Board Meeting - **Motion by Klein/ Legner to approve the minutes of the 9/16/14 Regular Town Board meeting. Questioned and carried 5:0.**

Approve Minutes of 9/23/14 Special Town Board Meeting - **Motion by Klein/ Legner to approve the minutes of the 9/23/14 Special Town Board meeting. Questioned and carried 5:0.**

Approve Minutes of 9/30/14 Special Town Board Meeting - **Motion by Klein/ Legner to approve the minutes of the 9/30/14 Special Town Board meeting. Questioned and carried 5:0.**

Review of DRAFT Minutes of Plan Commission meeting of September 24, 2014 - No Comments.

PC Docket #2014-24 - Public Hearing for Patrick & Susan Wurzer requesting a Conditional Use Approval to allow Construction of a 40 ft. by 36 ft accessory building on the property addressed 6200 North Mountain Road - **Motion by Schaefer/ Klein to approve the recommendation from the Plan Commission to issue a Conditional Use request for Patrick & Susan to allow construction of a 40 ft. by 36 ft. accessory building on the parcel addressed 6200 North Mountain Road. Questioned and carried 5:0.**

Approval of Resolution #14-09: Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing- **Motion by Kachel/ Klein to approve the initial Resolution #14-09 authorizing the intent to Reimburse Expenditures from Proceeds of Borrowing not to exceed \$980,000.00. Questioned and carried 5:0.**

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Approval of Agreement for Construction Administrative Services for the Doepke Trail Project – Streets/ Parks Superintendent Scott Turner discussed that bids have been received and approved for the Doepke Park Trail Construction. The Construction Administration Services are needed for surveying and construction oversight. Construction Administrative Services will be on a part-time as-needed basis. The estimated costs is \$19,600. AECOM performed these services on the 51/29 Trail and did an excellent job. The Streets/ Parks Superintendent recommends approval. **Motion by Legner/ Schaefer to approve the Agreement for Construction Administrative Services with AECOM, not to exceed the amount of \$19,600. Questioned and carried 5:0.**

Approval of Agreement for Engineering Design for Rib Mountain Drive Phase 1.5 – Request for proposals were requested from two engineering firms for design and real estate acquisition for improvements on Rib Mountain Drive Phase 1.5 – Hwy 51 Ramps to Morning Glory Lane. Construction included new signals at the Kwik Trip/ McDonald’s intersection is scheduled for 2015. The Street/ Parks Superintendent has reviewed the proposals and recommends AECOM to complete the work.

Their proposal was very complete and addressed many of the challenges that will be faced during the project design. Additionally, their staff has more experience with traffic signal design and are very familiar with the signal timing along the Rib Mountain Road corridor.

Supervisor Schaefer questioned if everything is included in the cost with no request for additional funds. Streets/ Parks Superintendent Scott Turner commented that we anticipate no issues with the project as everything anticipated is figured in the proposal. Supervisor Kachel has concern of hiring AECOM for these services as the Town has had poor communication with them in the past. The Town staff would call asking for assistance with delay or no returned phone call. This was very frustrating and delayed work.

Bruce Gerland from AECOM was in attendance and addressed the Town Boards concerns. He admitted that there was communication issues and he had meetings with Supervisor Pete Kachel and Administrator Rhoden. There has been staff changes since this incident and he is confident that this will not happen again. Parks/ Streets Superintendent Scott Turner discussed that since he has been employed with Rib Mountain he has been more than pleased with the services from AECOM. He feels confident in Bruce that the Town will not endure these issues.

Supervisor Legner questioned Parks/ Streets Superintendent Scott Turner how often will the Town be paying for the project. The project will be paid for as it is completed.

Supervisor Fred Schaefer commented that in the 1980’s the Town has had poor engineering from Becher and Hoppe and hired AECOM and recently went back to

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Becher & Hoppe. These two companies are the best in the area and at times we will have issues. Supervisor Schaefer recommends hiring AECOM for the project because they have extensive experience with the Town. **Motion by Schaefer/ Legner to approve the Agreement for Engineering Design for Rib Mountain Drive Phase 1.5 to not exceed the amount of \$96,150. Questioned and carried 4:1. One opposed.**

Approval of Agreements to Bury Overhead Utilities for Rib Mountain Drive Phase 1.5 – Streets/ Parks Superintendent Turner discussed that utility coordination has been ongoing to bury the utilities on Rib Mountain Drive Phase 1.5 from Hwy 51 Ramps to Morning Glory Lane.

The total estimated costs are \$259,173.77. The Town's portion is estimated at \$178,150.68. Kwik Trip will be assessed approximately \$81,023.09 in accordance with Resolution 10-06 Sidewalk Installation and Burial of Utilities on Rib Mountain Drive. Other assessments may be given to other property owners. The future development of the lot north of Kwik Trip will be responsible for a portion of these costs as well. Payments must be received prior to utility companies commencing work this fall 2014. The funding is to come from the 2013 Borrowing Note and Resolution 14-09.

Supervisor Schaefer inquired if Kwik Trip is aware of the costs. A letter will need to be drafted and sent to Kwik Trip indicating their portion of the cost. They will need to indicate approval and inform us of any problems before we proceed. Supervisor Kachel questioned the Streets/ Parks Superintendent if the Town will have to pay the costs upfront before the project is started. The costs will need to be paid before any burial of utilities begins. Attorney Kevin Terry requested the Town draft the letter and receive approval from Kwik Trip before any agreement gets signed by the Town. Supervisor Schaefer recommends adding this issue to the October 21, 2014 agenda for final approval with Kwik Trip with response to letter. **Motion by Schaefer/ Kachel to approve the Agreements to Bury Overhead Utilities for Rib Mountain Drive Phase 1.5 subject to approval of costs from Kwik Trip. Questioned and carried 5:0.**

Approval of Operator License – Attorney Kevin Terry commented on the background checks of the operator license applications noting that nothing in their background checks precludes issuance of operator license for Kyrie Bowman, Sarah Cournaya, Kelsey Finke, Jason Lowman, Amanda Maslakow, Katie Schowssow, Sarah Stavran, Collin Suchomski, Cheyanne Rase and Bao Xiong. There is concern with Rachelle Feltz and Elizabeth Sprague with the Town Board. A request to have Chairman Al Opall meet with the concerned parties before final approval of those licenses will be issued. **Motion by Schaefer/ Kachel to approve the above operator licenses and discuss concerns with Feltz and Sprague before license is issued. Questioned and carried 4:1. One opposed.**

Approval of Ordinance Amendment to RMMC Sec. 9.03 regarding Hunting with a Bow and Arrow or Crossbow per 2013 Wisconsin Act 71 – CEO Paul Hursh discussed that

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the Wisconsin Act 71 was recently passed, which severely limits the Town's ability to restrict bow hunting within the Town. Attorney Kevin Terry indicated that the Town cannot not do much to restrict the hunting with a bow and arrow or crossbow. CEO Hursh indicated that the boundaries will stay the same. The hunters must obtain a valid license to bow hunt. Modifications are for persons hunting with a bow and arrow or crossbow shall be subject to only the following restrictions: No person shall hunt with a bow or crossbow within 100 yards of a building located on another person's land. This does not apply if the person owns the land on which the building is located allows the hunter to hunt within 100 yards of the building. Any person who hunts with a bow or crossbow shall only be permitted to discharge the arrow or bolt from the respective weapon toward the ground. **Motion by Klein/ Legner to approve the proposed modification of Section 9.03 of the Rib Mountain Municipal Code. Questioned and carried 5:0.**

Reports

Town Board - Chairman Al Opall received a call from a resident indicating that Doepke Park is a nice facility and a great addition to the park. Marathon County Education and Economic Development Committee is hosting an educational session regarding the Tax Increment Financing Legislative and Policy Update. The session will be held on October 20, 2014 at 6:00 p.m. Marathon County Courthouse, Assembly Room. Pizza and refreshments will be provided at 5:30 p.m. dinner with discussion starting at 6:00 p.m.

Supervisor Legner received comments from residents about the Rain Gardens sign and that it was a great addition to the trail.

Supervisor Schaefer reviewed the Administrators report regarding the Board the meetings with CWED. There was discussion regarding the contract for the service provided for the revolving loans. CWED had gone through the RFP process, and ran into negotiation issues with the successful provider. This was currently held by MCDEVCO and they were brought back to help cover for the next few months.

SAFER District - Interim Fire Chief Steve Mielahn indicated that Paul Wirth's last day of employment will be October 12, 2014. His retirement was a surprise and the SAFER District is ready to move forward. On October 9, 2014 the SAFER Board will begin conducting testing for new Battalion Chiefs that will be hired internally. The budget talks will continue this month. Matt Savage is the new Deputy Fire Chef and is considered a great asset to the organization. The SAFER District feels that they will have long term success with Matt as second in command. As Fire Chief I would prefer to submit a report at the 2nd Town Board meeting of each month because this will ensure more accurate information from all SAFER meetings and will provide adequate time to submit a detailed report.

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Town Attorney- None

Town Administrator - Provided a detailed written report.

Zoning Administrator/Building Inspector - Provided a detailed written report. During Dan Dziadosz's report to the Town Board, Dan shared a four page e-mail from the State Weights and Measure's Petroleum Inspector about the deteriorating condition of the Petro-Mart's south property line retaining wall. This is a serious condition because the Petro Mart is within a thousand feet of the community's primary recharge area, designed for drinking water well head protection, and any tank failure could be environmentally disastrous. Dan has referred the issue to the Town Attorney for drafting of an appropriate enforcement letter to Petro Mart, and the consensus of the Town Board concurred with that action.

Streets/Parks Superintendent - Provided a detailed written report. Scott Turner added that the roads will be paved within the next two weeks. Currently working on RFP's for Rib Mountain Drive Phase 2 project.

Clerk -Treasurer - Provided a detailed written report.

Code Enforcement Officer - None

Park Commission - A meeting is scheduled for Tuesday October 14, 2014 to continue discussion on 5 year plan. Supervisor Klein commented that he would like to see a plan to create a dog park.

Finance & Personnel Committee - A meeting is scheduled for October 21, 2014 at 11:45 a.m.

Public Safety Committee - None

Public Works Committee - A meeting is scheduled for October 21, 2014 at 5:00 p.m. prior to Special Town Board meeting regarding the Budget at 5:30 p.m. and the Regular Town Board meeting.

Walkable Community Committee - None

General Comments - None

Adjourn - **Motion by Kachel/ Legner to adjourn at 7:45 p.m. Questioned and carried 5:0.**

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Connie Beyersdorff
Clerk/Treasurer

Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, they are subject to revision.