



634 State Road 19 PO Box 37, Marshall, WI 53559
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Town of Medina Board of Supervisors
September 6, 2017 -- Town of Medina Garage
Monthly Meeting of the Town Board

The meeting was called to order at 7:00 PM by Chairman Weinberger

Present were Chairman Weinberger, Supervisors Sue Zingshiem, John Hellenbrand and John Ward, Clerk Ron Jacobson and Treasurer Lea Braithwaite. Supervisor Anderson was absent. Also present were Patrolman Jim Hellenbrand, Phillip Braithwaite, Deputy Heidi Studnicki, Fred Warren Kim Kohler, Barb Kohler and Chris O'Brien (Courier). Brenda Meyer arrived 8:50 PM.

The Pledge of Allegiance was recited.

Meeting was posted Friday September 1, 2017 Town Garage, townofmedina.org and an amended agenda was posted Tuesday September 5, 2017 10:30 AM.

ADMINISTRATIVE:

Approval of Previous Minutes: Motion by Supervisor Hellenbrand, 2nd by Supervisor Ward to approve the minutes from August 2, 2017, August 3, 2017, August 8, 2017 and August 16, 2017 as presented.

Majority vote: Motion carried 4-0, Supervisor Anderson absent.

Monthly Operating Invoices and Summary Report were reviewed with a motion to approve by Supervisor Hellenbrand, 2nd by Chairman Weinberger. **Roll Call Vote:** Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, motion carried 4-0.

Clerk's Report: Clerk Jacobson submitted a written report detailing reports and forms filed, activities and correspondences and reported to the Town Board he purchased a new monitor for the laptop at a sale price of \$160 reduced from \$280. Associated Appraisal Consultants contacted him and they are planning to start the 2018 revaluation in October and will be sending information before they begin.

Treasurer's Report: Treasurer Braithwaite presented the July income report showing income of \$122,457.80, the major part was the tax settlement from the county. The Clerk and Treasurer need to review if any of the Soldier Graves funds need to be sent to the Medina Cemetery Association.

Highway Report: Patrolman Hellenbrand reported mowing at the cemetery and town garage have been done on a regular basis, pot holes and shoulder work was completed on Clarkson Road, shouldering was done on Ridge Road and Canal Road, graded Berlin Road, put gravel on and graded Henning Drive, did more tree trimming, worked on the salt shed repairs, replaced the old smoke detectors/carbon monoxide detectors and informed the Town Board that he will contact Jensen Heating for the furnace



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inspection that was previously authorized and will be having Dunneisen Excavating do the work approved on Berlin Road after the railroad crossing work is completed.

EMS-Fire Report: Supervisor Hellenbrand reported from the PSB/EMS regular meeting that the bid for repairing the light poles at the PSB building came in at \$6,900.00 The rough draft of the audit has been received by the commission. Requested that Town Board members review the agreement between the EMS and Fire Department and supply feedback by the September 19, 2017 commission meeting. The District meeting is set for October 11, 2017 at 7:00 PM.

Facility Needs Committee Report: Ron Jacobson reported that Village Administrator Adam Ruechel attended the August 23, 2017 committee meeting to discuss opportunities for joint municipal projects, the committee feeling is joint facilities are not probable. Committee members will be visiting the Town of Lowell and Town of Hustisford facilities. He is hoping to have a draft of the first section of the committee report completed for the September 13, 2017 committee meeting and have that section presented to the Town Board on September 20, 2017

Public Appearances: Deputy Studnicki reported that from July 1, 2017 to September 6, 2017 the Dane County Sheriff's Department responded to 23 calls in the Town. The Canal Road incident involving guns is believed to be an isolated incident and is still under investigation so no other information can be given. The August incident in Deansville was discussed and no charges are probably going to be brought. The tenants at the Peterson property where it occurred put out on social media a party was being held which resulted in a large number of people being at the building. The individuals fled before the deputies arrive. Deputy Studnicki did a look back of incidents at the property between August 2016 and August 2017 and there were ten. Chairman Weinberger asked if a look back for three years would be possible and Deputy Studnicki indicated she could complete that. Deputy Studnicki discussed issues at the Peterson property with Kim Kohler and Barb Kohler. There is a lot of individuals coming in and out of the property, some for short periods of time. Their history with the property going back a significant number of years was also discussed. Chairman Weinberger inquired the possibility of having speed boards placed on roads in the town; CTH TT, Canal Rd, Clarkson Rd. Deputy Studnicki indicated it could be possible for short periods of time as these boards are limited and rotated around. Deputy Studnicki informed the Town Board that she will no longer be the Town's Community Officer and it will probably be two months before a placement is in place. She will still respond to issues if needed until a replacement is assigned. **Kim Kohler** inquired with the Town Board on the status of the Minimum Housing Ordinance and Chairman Weinberger indicated it is being worked on but needs to be carefully consider because it effects all property owner. The process of enforcement and what would trigger enforcement action was discussed. Steve Rewey has reviewed the draft Minimum Housing Ordinance for feedback. He has discussed the options with Atty. Hazelbaker and the State Statute on Razing Buildings is going to be reviewed as an option.



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OLD BUSINESS:

Action on Second Demand Letter to Jason Meyer (Traffic Accident Damages): Clerk Jacobson reported that the letter sent August 4, 2017 was received because the signed return receipt has been received. Mr. Meyer has not responded since receipt of the letter and Clerk Jacobson presented the option of sending the matter to Atty Hazelbaker or to mail a final notice to Mr. Meyer. Motion by Supervisor Ward to have the Clerk send another letter giving final notice, 2nd by Supervisor Hellenbrand. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent.

Action on Mad Dash Parade and Race Permit Refund: Clerk Jacobson reported no incidents were reported from the event. Motion by Supervisor Hellenbrand to return the \$500.00 payment, 2nd by Supervisor Zingshiem. **Roll Call Vote:** Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, motion carried 4-0.

Review of the General Engineering Report on the Salt Shed: The report was available to the board prior to the meeting and members had an opportunity to review it. The report indicated that there is structural failure of the walls. The report indicated the use of the gravel along with large concrete blocks stabilized should allow for continued use for the next year.

Action on Salt Shed repair and Concrete Blocks: Patrolman Hellenbrand received prices for four-foot concrete blocks: Jones Concrete \$4.00/foot or \$16.00 per block and Sun Prairie Ready Mix \$5.00/foot or \$20.00 per block, up to 30 blocks may be needed. Motion by Chairman Weinberger to expend up to \$500.00 for the purchase of four-foot blocks from Jones Concrete, 2nd by Supervisor Hellenbrand. **Roll Call Vote:** Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, Supervisor Anderson absent motion carried 4-0.

The Town Board directed Clerk Jacobson to request bids for covering the end wall and reconnecting the electric service to be acted on at the September 20, 2017 special board meeting.

Direction to Town Clerk on Medina Cemetery Wall Repairs: Patrolman Hellenbrand and Clerk Jacobson inspected the wall to take photos and measurements and reported to the Town Board what was found. The most significant issues are in a 150-foot along Box Elder Road. The Town Board discussed possible options to address the issue. The Town Board would like to have bids to complete the work in 2018 but have the cost in place for the budget. The Town Board directed Clerk Jacobson to request bids for the repair or replacement of the approximate 150-foot area along Box Elder Road with the bids due for the October 4, 2017 board meeting.

Discussion on Driveway Ordinance: Chairman Weinberger indicated he is still working on the recommended changes from the Planning Commission. A copy of the Town of Westport Driveway; Culvert Ordinance was distributed to the Town Board. Discussion was had on our existing ordinance versus the Town of Westport Ordinance. Chairman Weinberger will review the Town of Westport Ordinance for possible areas in it to incorporate in our ordinance.



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Road Rating Update: The recent inspection reports completed by the Town Supervisors was discussed. Chairman Weinberger and possibly Clerk Jacobson will work to review the information with Patrolman Hellenbrand. The information will be recorded into the WISLR/PASER system. The Town Board needs to review the information gathered to identify roads that qualify for TRIP road aid.

NEW BUSINESS:

Action to Approve Repairs for Oak Park Road Damages Done by Dried Up Drainage LLC: The incident report on the damages was supplied to the Town Board by Clerk Jacobson. Scott Construction was contacted by Patrolman Hellenbrand for a proposal to complete the repairs, it was \$2,500.00. Josh Miller, Dried Up Drainage LLC, contacted Don Keyes to complete the repairs. Patrolman Hellenbrand met with Mr. Keyes to review what he would do for repairs. Motion by Chairman Weinberger to approve repairs to Oak Park Road by Don Keyes to the satisfaction of Patrolman Hellenbrand and paid directly by Dried Up Drainage LLC, 2nd by Supervisor Hellenbrand. **Roll Call Vote:** Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, Supervisor Anderson absent, Supervisor Hellenbrand yes motion carried 4-0.

Action on Billing from Attorney Glenn Reynolds: Attorney Reynolds submitted an invoice for services following his recent replacement as Town Attorney. The invoice was sent August 2, 2017 and was for services rendered between March 15, 2016 and May 3, 2016. Clerk Jacobson indicated he knew some of the services were rendered. Motion by Supervisor Hellenbrand to pay the invoice submitted by Glenn Reynolds for his services, 2nd by Supervisor Zingshiem. **Roll Call Vote:** Supervisor Zingshiem yes, Chairman Weinberger yes, Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward abstain motion carried 3-0.

Action on Challenging the 2017 Population Estimate: Clerk Jacobson presented the 2017 population estimate from the Wisconsin Department of Administration at 1,382. The Town Board has the authority to authorize the Town Clerk to submit a challenge to the population estimate. Motion by Supervisor Hellenbrand not to challenge the 2017 population estimate, 2nd by Supervisor Zingshiem. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent.

Action on Lamp Recycling: Supervisor Zingshiem presented costs options on having containers to collect CFL lamps. A five-gallon from Veolia Environmental Services would cost \$75.73 and hold 45 to 90 bulbs. Other container options were reviewed. Some concern was raised as to whether residents would pay to have the CFL lamps recycled since they are not banned from the waste now. The consensus was to try it and review how it worked. Motion by Supervisor Hellenbrand to acquire a five-gallon CFL container from Veolia Environmental Services at a cost of \$75.73, 2nd by Supervisor Zingshiem. **Roll Call Vote:** Chairman Weinberger yes, Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, motion carried 4-0.

Action on Contracting for Waste Disposal/Recycling: Clerk Jacobson searched the Wisconsin DNR web site and found a list of licensed waste haulers in Dane County. Three listed could supply services to the Town of Medina; Advanced Disposal, Pellitteri and Waste Management. Waste Management had been



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used in the past and Supervisor Zingshiem identified some issues when they served the town. The Town Board discussed options and a renewal contract with Advanced Disposal should be reviewed and the Town Board will determine if additional proposals should be sought. Motion by Chairman Weinberger to direct Clerk Jacobson to request a contract renewal from Advanced Disposal for the October 4, 2017 board meeting, 2nd by Supervisor Hellenbrand. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent.

Action on Potratz Drive Condition: Supervisor Zingshiem has had requests to review the condition of the drive. It is a short drive with limited use. The Town Board discussed options with Patrolman Hellenbrand both short term and long term. Motion by Chairman Weinberger to have Patrolman Hellenbrand make the necessary repairs with gravel, 2nd by Supervisor Ward. **Roll Call Vote:** Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, motion carried 4-0.

Action on Earl Drive Condition: Brenda Meyer had contacted Clerk Jacobson regarding the condition of Earl Drive. Earl Drive is a .29-mile drive serving one house. Patrolman Hellenbrand has reviewed the drive and reported he has had to fill pot holes every year. Short term repairs and long-term options were discussed. Earl Drive could be legally vacated since it serves single property ownership. The cost for complete blacktopping of the drive was discussed but not viable due to the cost and serving a single property. Motion by Chairman Weinberger to have Patrolman Hellenbrand make the necessary repairs with cold mix, 2nd by Supervisor Ward. **Roll Call Vote:** Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes Supervisor Anderson absent, motion carried 4-0.

Review and Action on Delinquent Personal Property Taxes: Treasurer Brathwaite presented information on the history of the delinquent personal property taxes. More details on what could be collected is needed. The town can attempt to recover the taxes going back six years. HE Stark would be one option but the fee is 21% of any funds collected. Chairman Weinberger presented information on the State Debt Collection Innovative. Additional information will need to be gathered on this program. Motion by Chairman Weinberger to table to gather information, 2nd by Supervisor Hellenbrand. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent.

Action on Letter to Jean Johnson Regarding Clerks Payments: Clerk Jacobson presented the letter he prepared outlining the 2013 to 2015 clerk term payment history and explaining the wording in the Town Board action taken June 21, 2017. Motion by Supervisor Ward to have Clerk Jacobson send the letter to Jean Johnson and have it included in the Town of Medina minutes, 2nd by Supervisor Hellenbrand. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent. (Letter included at end of these minutes.)

Discussion on Building Inspector Contract and Reporting: Clerk Jacobson indicated to the Town Board that there is no formal contract with Building Inspector Steve Rewey. One new issue will be the requirement effective January 1, 2018 for electronic submittal of building permit information to the State of Wisconsin. Mr. Rewey has indicated there will be an additional \$5.00 fee for each permit where this is required. Clerk Jacobson was directed to contact Mr. Rewey regarding establishing a contract.



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OTHER BUSINESS:

Correspondence: Clerk Jacobson presented the following correspondence; Dane County Planning and Development draft zoning map showing Chapter 10 Revision changes, Dane County Special Use application for County Roads by “the Ride”, Dane County Gypsy Moth Cost Share Program and an email regarding the abandoned farm house at the corner of Sherman Road and Missouri Road.

Identify Issues to be addressed in Future Meetings: Supervisor Ward indicated he will have information regarding DaneCom for the September 20th meeting, Clerk Jacobson indicated the following will need to be on the September 20th meeting; reviewing the Personnel Policy, a review of the upcoming Recycling Grant and possibly an Ordinance Establishing Alternate Payment Methods.

Preliminary Schedule for Upcoming Meetings and Agenda: No Discussion or Action

Motion by Chairman Weinberger to convene into Closed Session per Wisconsin Statute §19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation of any public employee over which the governmental body has jurisdiction or exercises and Wisconsin Statute §19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Invited in addition to the Board of Supervisors; Clerk Jacobson, Patrolman Hellenbrand, Fred Warren. 9:56 PM Roll Call Vote: Supervisor Zingshiem yes, Chairman Weinberger yes, Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes motion carried 4-0.

Reconvene to Open Session per Wisconsin Statutes §19.85(2). 10:32 Roll Call Vote: Chairman Weinberger yes, Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, motion carried 4-0.

Action from Closed Session on Employee Hiring and Wages: Motion by Supervisor Hellenbrand to hire Fred Warren as full-time Assistant Patrolman starting at \$20.50 per hour and at \$21.00 per hour after six-month probationary period, \$6,000 TASC funding with prorating for 2017, option to join Wisconsin Retirement Services as of January 1, 2018 and benefits as outlined in the Town of Medina Personnel Policy, 2nd by Supervisor Ward. Roll Call Vote: Supervisor Anderson absent, Supervisor Hellenbrand yes, Supervisor Ward yes, Supervisor Zingshiem yes, Chairman Weinberger yes, motion carried 4-0.

Adjournment: Motion to adjourn by Supervisor Hellenbrand, 2nd by Supervisor Zingshiem. **Majority Vote:** Motion carried 4-0, Supervisor Anderson absent. Adjourn 10:39 PM.

Respectfully submitted by Town Clerk Ron Jacobson

Approved October 4, 2017



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Letter to Jean Johnson:

September 6, 2017
Jean Johnson
50 E. Waterloo Road
Waterloo, WI 53594
Dear Mrs. Johnson,

On behalf of the Town of Medina Board of Supervisors I want to state that the Town Board is concerned that you were upset with the use of “forgive” as it was used in the motion at the June 21, 2017 Town Board meeting.

In determining the final compensation due to Clerk Pat LeMahieu a review of clerk salary payments was completed. The matter of the final compensation due revolved around the payment made to you in voucher 6813 July 1, 2015. That voucher prepared by Clerk LeMahieu and approved by the Town Board indicated a payment to you of \$500.00 for clerk salary and \$500.00 for professional services. The Town Board in the 2015 budget allowed for an expenditure of \$1,000.00 for professional services. A second voucher (6884) was prepared by Clerk LeMahieu and approved by the Town Board on October 7, 2015 with \$500.00 compensation to you for professional services. These two payments represented the \$1,000.00 authorized in the budget for professional services.

Your final two-year term began in April 2013 and ended in April 2015. The minutes from the December 5, 2012 Budget meetings state “Motion to approve all Board members elected in 2013 to stay the same wage as the last 2 years.” Further review of the minutes from the December 1, 2010 Budget meeting minutes states “Motion to approve 2011-12 wages for Board members at: Chairman \$6,000.00, Supervisors \$3,000.00, Treasurer \$9,500.00 and Clerk at \$13,500.00...” Those two actions indicate that the clerk salary for your final term in office was to be \$13,500.00 per annum for a total of \$27,000.00 in the full two-year term.

Over the 2013 -2015 two-year term eight quarterly payment vouchers were issued to you for clerk salary. The first payment voucher issued occurred July 6, 2011 and final payment voucher was dated April 1, 2015. These payment vouchers indicate a quarterly clerk salary payment of \$3,375.00 with a total paid over the eight quarters of \$27,000.00.

The issuance of the additional \$500.00 clerk salary in voucher 6813 paid July 1, 2015 resulted in an overpayment to you for the clerk salary authorized by the action setting the clerk salary on December 5, 2012. The preparation of voucher 6813 by Clerk LeMahieu and



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authorization of voucher 6813 by the Town Board was in error at that time. This overpayment created a debt that the Town Board needed to act upon to determine whether to collect that overpayment from you. The following action was taken at the June 21, 2017 meeting "Motion by Chairman Weinberger to forgive any overpayment to Jean Johnson for services rendered to the Town of Medina, 2nd by Supervisor Anderson." That action was a "forgiveness of debt" which was a proper action and the intent was not to imply you had acted improperly.

I hope this clarifies the action taken by the Town Board to address what was a difficult circumstance.

Sincerely,

Ron Jacobson, Clerk
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