

Approved 11/16/2022
TOWN BOARD MEETING
Wednesday, September 28, 2022
6:00 p.m.
Freedom Town Hall
W2004 County Rd S

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE
Meeting called to order by Chairman Charles Kramer at 6:00 p.m.
Members present: Chairman Charles Kramer, Supervisor Kevin Schuh, Supervisor Jason Vandenberg, Supervisor Brandon Conrad and Supervisor Margo Fox.
Also present: Clerk/Treasurer Colleen Laha, Attorney Steve Frassetto, Jeff Kussow, Justin Keen and Ken Jaworski from Cedar Corporation.
Supervisor Kevin Schuh led the Pledge of Allegiance.

2. VERIFICATION OF POSTING/ADOPT AGENDA
Posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 26th day of September, 2022 at 4:00 p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/ Halesi, LLC.

Amended Agenda posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 26th day of September, 2022 at 4:15 p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/ Halesi, LLC.
Motion made by Supervisor Jason Vandenberg with a second by Supervisor Margo Fox to adopt the agenda as posted.
5 Yea /0 Nay Motion Carried: Yes

3. CONSIDERATION & ACTION ON MINUTES OF AUGUST 24, 2022 & AUGUST 31, 2022
Motion by Supervisor Brandon Conrad with second by Chairman Charles Kramer to approve the minutes of 8/24/2022 & 8/31/2022 meetings.
5 Yea /0 Nay Motion Carried: Yes
Supervisor Jason Vandenberg abstained to the August 31, 2022 minutes

4. PUBLIC COMMENT SESSION (maximum 15 minutes total)
Amy Plamann questioned if there was anything new to report regarding Gonnering Court. Supervisor Kevin Schuh reported that we had just received the estimates from Earthworks and would be setting up a meeting with the residents.
Supervisor Jason Vandenberg pointed out that the sunflowers growing on County S near the intersection with Coffey Street was obstructing the vision corner. The clerk said that she had contacted the County. The County had the homeowner remove some of the sunflowers. Supervisor Vandenberg said he would contact the County to have the homeowner remove more of the sunflowers.
EMS Chief Jodi Roskowski reported that the EMS was rewarded a grant of \$9,900.00.
Roskowski told the Town Board that the EMS has two savings accounts at Capital Credit Union. She asked if she could combine them and make the new account a checking account. The Town Board and Attorney agreed that would be acceptable.
Jon Bradle stated that Rick Fuss has resigned, and the reason is clear. Bradle also complained that it has been two months and he still hasn't heard back from Attorney Frassetto. Frassetto that it is part of his report for the meeting tonight. Bradle would like his documents back. Frassetto does have them.

5. DISCUSSION & ACTION ON THE CONTRACT BETWEEN THE TOWN AND THE SCHOOL DISTRICT FOR THE USE OF THE VFW PARK
Supervisor Margo Fox explained that at the August 24th meeting this conversation was tabled because we had passed on what we were recommending to the school board, and we hadn't heard back from them. The clerk sent out email to the five of us asking for available dates to meet with the school board on September 20th and of today only Supervisor Fox and Supervisor Conrad have replied. After we hear from everyone, we will be setting up a meeting. Tabled.

6. PLAN COMMISSION REFERRALS:

a. Discussion and possible action on right-of-way purchase for southern extension of Parkway Lane
Jeff Kussow, of Cedar Corporation explained that this is a continuation of the discussion last month of the extension of Parkway Lane which is included in the future road map. At the August Plan Commission and Town Board meetings, the TJS Properties LLC Site Plan Application was approved for commercial/industrial redevelopment of the norther portion of the Field of Scenes property. Currently, access to the development would be via Uni Dr. and sanitary utility hook-up would be via the existing sanitary facilities on the south end of Uni Drive. Construction of the TJS Properties LLC development is anticipated to begin in Spring of 2023. During the August Town meetings, the southern extension of Parkway Lane and the associated sanitary/road infrastructure construction were discussed, which would accommodate the TJS Properties LLC development and facilitate/promote industrial development on the Fox property adjacent to the east. Currently, the existing Parkway Lane right-of-way only extends approximately 263 ft. south of Industrial Dr. This southern extension of Parkway Lane is identified on the Town's Official Map and the 2021 Industrial Park expansion Concept Plan. The Sanitary District met with TJS Properties and supports servicing off of Parkway Lane. They are looking for the Town to make a decision if the Town will pursue purchasing the 66 feet of right away. The scope of this would be Right-of-Way acquisition, detailed engineering analysis/design, and funding will be needed in order for the Town to construct the southern extension of Parkway Lane. An easement could be obtained if right-of-way is not purchased at this time. Dean Zanon, from Cedar Corporation said they have been made aware that the current landowner is open to having discussions relative to the purchase or acquisition of that right-of-way but one of the requests that have been made is before they start discussions they want to know what the deal is so if Steve Frassetto is going to lead that effort there is going to have to be a preliminary right-of-way map with property descriptions on it.
Jeff Kussow

Motion by Supervisor Brandon Conrad with second by Chairman Charles Kramer for Attorney Steve Frassetto representing the Town of Freedom to contact the property owners to purchase the property that would be phase 1, 2 and phase 3 of our conceptual Industrial Park plan with negotiations and to include Cedar Corporation to be involved in getting the TID moving as well.
5 Yea / 0 Nay Motion Carried: Yes

b. Consideration an action on Pay Application No. 3 for the VFW Park Ballpark Lighting Upgrades Project
Justin Keen from Cedar Corporation reviewed Pay Application No. 3 explaining that it was the final pay request, and everything was done. This is the retainage that we were holding until everything was completed and some record drawings. All issues have been addressed.

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad to approve final Pay Application No. 3 for the VFW Park Ballpark Lighting Upgrades Project retainage of \$30,980.24.
5 Yea / 0 Nay Motion Carried: Yes

c. Engineer's Report

1. Update on Country Fields subdivision construction

Justin Keen from Cedar gave an update on Country Fields subdivision construction. The project started in mid-August. Cedar has been onsite for all watermain, sanitary sewer and storm sewer and town roads. They are about ¾ of the way done with the water, sewer and storm sewer. After that is completed, they will move onto the roads. Spots with questionable soils have been noted in case of future settlement. An email has been sent to the developers for further information and that they would know we had encountered those areas.

2. Update on VFW Park Ballpark Lighting Upgrades Project

Justin Keen explained that we had covered that already. The contract is completed all records and drawings, operation, maintenance, and materials have all been reviewed.

7. DISCUSSION AND POSSIBLE ACTION ON REPLACING THE 17-YEAR-OLD JD 3680 LAWNMOWER
Chairmain Kramer said that lawnmower has 3,700 hours on it. It is a 2005. Public Work employee, Reid Johnson explained that the machine is used for snowplowing the sidewalks in the winter. It goes about one or

two miles per hour. They are using it to mow at the town garage, but it is very hard to use. It could use an upgrade. Still usable but it takes so long to use. Louis Merbach, former employee explained that they need to take the pan out of the lawnmower. It is jammed up. Adjust it, tighten the jam nut up. It's a good mower. Merbach also commented that we do need an upgrade, but this machine will last us a long time. No decision at this time.

8. OPERATOR LICENSE

Motion by Chairman Charles Kramer with second by Supervisor Jason Vandenberg to approve operator licenses for Brandon Spevacek, Heather Dayton and Brandon Ullrich.

5 Yea /0 Nay Motion Carried: Yes

9. Park Report – updates from September 14, 2022 Park Committee Meeting

a. Update on the Capital Improvement Park Budget of \$350,000.00

Supervisor Margo Fox explained that a lot of positive things are being done in the parks. She had been asked to verify if any motions had been made on how the \$350,000.00 specifically was to be spent. She asked the Town Clerk to look, and no motions had been made on how to spend the \$350,000.00. However, there were suggestions that were to make regarding areas of concern. One of them being the roof of the concession stand. We have had our insurance come out and look at all of the Town buildings. We were awarded about \$12,000.00 towards repairs to the concession stand roof. We as a committee need to continue the discussion as to how we can best stretch that \$350,000.00. The defibrillators have not come in yet, but that leaves \$344,000.00 of the \$350,000.00 left.

10. UPDATE ON RECENT STORM DAMAGE

Clerk gave an update that we had received checks from the insurance company according to the insurance adjuster report for the recent storm damage. We have not cashed any of the checks currently. We will be getting estimates to repair the damage and checking back with the insurance company to make sure all the costs will be covered.

11. PUBLIC WORKS DEPARTMENT REPORT – written report given

a. General update on overall state of public works department – Supervisor Jason Vandenberg explained that we currently have two employees who are present at the meeting. We are obviously looking for a third employee. We have been in talks about a third employee. Former employee Jon Bradle said there was a problem and to fix it. Supervisor Brandon Conrad said the fix to the problem is a director of public works or an administrator. Bradle said we did have a director of public works. Supervisor Conrad said we did not have one since Steve Brueggeman left. Bradle continued that we had a director of public works, and we lost him. Supervisor Conrad pointed out that we did not have one since Steve Brueggeman left and it's been very evident that since the employees of that have been here for 20 or 30 years left that it's become a problem.

b. Maintenance updates for the Park & Highway

Chairman Charles Kramer questioned Reid Johnson if the globes they had would fit the light at the park. Reid said they only fit the lights at Citizen Park.

12. FIRE DEPARTMENT REPORT – Consideration and possible action of the following:

- a. Brush truck update – Chief Mark Green reported that they received a 2015 Brush truck with 25,000 miles. They are working to outfit the truck for their needs which will run about \$35,000 to \$45,000.
- b. Building damage assessment from Keller-Green submitted three estimates for repair of the storm damage. The clerk will send the current estimates to the insurance company.
- c. Summer/Winter station maintenance proposals-Green expressed concern that he was not confident that the Town Employees would do an adequate job, especially with the snow plowing. Reid Johnson explained that they were new this year and the employees should be given a chance to prove themselves, not to be compared to past employees. Green continued expressing his lack of confidence and the urgency of having the fire station plowed.

***Motion by Supervisor Brandon Conrad with second by Chairman Charles Kramer to approve Fox Meadow to do the snow plowing, changing to every two inches to every one inch, at the Fire Department for this snow season only with Mark Green being the contact person.
5 Yea /0 Nay Motion Carried: Yes***

- d. Flagpole – who will take care of raising and lowering- a discussion with the board was held. Green explained that they were not available or present at the times the flag would need to be lowered and raised therefore the Department of Public Works will continue to take care of the flag.
- e. Storm Damage Invoices – already covered previously.
- f. Water Truck Tires
Green reported that there was a safety issue with the water truck tires and the Fire Department needed to have them replaced. In the Fire Department’s agreement, the Town will pay for anything above normal maintenance. The Fire Department will be reimbursed for the \$6,000.00 paid to Pomp’s per the agreement.
- g. The Fire Department would like to discuss at budget time the costs to install fiber optic internet so they can be a delegated emergency operation center the during storms. They had no internet or phone service during the days following the storm.
- h. The Fire Department was part of a radio grant that was awarded but it was not for the full amount so Fire Chief Mark Green doesn’t know how much it will be
- i. Mark Green wanted to verify that the Christmas Parade will be the first Saturday in December. Green said he had already booked Santa Claus to attend the parade.

13. ATTORNEY REPORT

- a. TID No. 1 Audit – The audit has been completed. There is one issue regarding verification of the acreage with a mixed-use TID that not more than 35% of the TID area is residential. So, the Department of Revenue is looking for that information to close the TID Amendment. Frassetto will work with the clerk to provide that information.
- b. Van Lanen Appeal - an appeal of his denial of site plan application and denial of his amended site plan application. Frassetto said the court has not scheduled anything yet. Frassetto has talked with Van Lanen’s attorney, and they would like to sit down and discuss possible options to move forward. They brought up the fact that it is in the TID and there may be some things they are willing to do if funded. Frassetto is not opposed to sitting down and listening to them and seeing if something based on our site plan and the requirements that we put in place if it would be amenable to the Town.
- c. Chad & Mark Properties Reconciliation - Country Villa Way
Attorney Frassetto notified Justin Keen and Dean Zanon that Chad Reader and Mark Hartziem are ready to move ahead with the final paving on Country Villa Way. They had placed a binder mat or first layer. We had indicated that we would want Cedar, the town engineer to go out and walk that road to determine if there are any areas that need to be cut out or settled, that need special attention before they put a final lift of asphalt. Cedar will be coordinating that. Once that is completed, there is a question about Steve Bruggeman had been invoicing Chad & Mark Properties, and they didn’t understand why. We did sit down with them. They got us all their financial documentation and per the development agreement, we had agreed to certain developer incentives with Chad & Mark Properties in order to do that development. One was they would buy part of the land from us and if they met certain cash thresholds for the district, we would forgive some of our note obligations. We agreed that we would contribute for certain infrastructure, including one half of Country Villa Way. The dollar amount that that will total out based on everything they are showing is way less than what the project plan allowed for developer incentives, based on the TID increments. They were to get 2.5 million dollars in increment by December 31 of 2023. They accelerated their plans. They have three buildings constructed already and their aging in place with the 55 plus condos that are part of the development. By January 1 of 2023 they are going to be over 10 million dollars in

increment. So that project was a good bargain for the town. Once the final paving is in Frassetto will sit down with the Clerk and reconcile everything and then the final payout for the developer incentive would be paid out. They would like to get it done before the asphalt plant shuts down this fall.

- d. *Fuss v. Town of Freedom.* Former Public Works supervisor Mr. Fuss filed a complaint with the Equal Rights Division. We have filed our formal response. The investigator will send our response to the complainant and the complainant will have the opportunity to reply. We will get one more opportunity to provide information. Then the investigator will determine if there is probable cause to determine that discrimination occurred. The department is also very heavily pushing mediation service, where an administrative law judge sits with the parties and tries to resolve any disputes.

14. SET UP BUDGET WORKSHOP DATES

October 10th at 7:00 p.m.

October 13th at 6:00 p.m. – the Fire/EMS will present their budgets

October 17th at 6:00 p.m.

15. ROAD MAINTENCE INFORMATION UPDATE

Chairman Charles Kramer explained that Center Valley Road is being pulverized right now. They should be black topping next week. Then they will be in Bell Court and Elk Lane. Kramer also informed the board that he has a 5-year Road Plan together.

16. DISCUSSION AND POSSIBLE ACTION ON INCORPORATING SANITARY AREA INTO A VILLAGE

Chairman Charles Kramer put this on the agenda because over the years the Town has tried to get out of County Zoning and the only way to do this is to incorporate into a village. Frassetto explained that it was not the only way but was one way to get out of County Zoning. If the County would do a complete rewrite of their zoning code, they open up a window where towns can elect to go with county or go on their own, but historically they have not done that. They do one little piece and then another little piece a different time. It was back in the 90's when they did a comprehensive re-write and that's when the citizens decided to stay with the county. If you incorporate, the village or city would have their own zoning. A discussion was held on some of the qualifications needed to incorporate. Attorney Frassetto offered to get a PowerPoint together to present whenever the Town Board decides to hold an informational meeting.

17. DISCUSSION AND POSSIBLE ACTION ON ENGINEER

Supervisor Brandon Conrad informed that he had reached out to McMahon and he had some rates from them, but Conrad thinks it would benefit the board if they actually met with McMahon so they can explain their plan for how they would handle our planning and possible engineering. Supervisor Conrad would prefer to table it and schedule McMahon on the front of one of our budget meetings. Supervisor Margo Fox asked if they could set the date for McMahon. Supervisor Conrad will set up date for Monday October 10th or Thursday October 13th before the budget workshop. The clerk will let the board know the date.

- 18. MOVE TO CLOSED SESSION PER WI STATS 19.85 (1)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Employee compensation issue.

CLOSED SESSION PER WI STATS 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Town Board issue.

Motion by Chairman Charles Kramer with second by Supervisor Brandon Conrad to move to Closed Session per WI STATS 19.85 (1)(c) and WI STATS 19.85 (1)(g).

Chairman Kramer – Yes Supervisor Conrad – Yes Supervisor Schuh – Yes Supervisor Vandenberg – Yes Supervisor Fox – Yes

5 Yea /0 Nay Motion Carried: Yes

19. RETURN TO OPEN SESSION

Motion by Supervisor Brandon Conrad with second by Supervisor Margo Fox to return to open session at 9:06 p.m.

*Chairman Kramer – Yes Supervisor Conrad – Yes Supervisor Schuh – Yes Supervisor Vandenberg – Yes
Supervisor Fox – Yes*

5 Yea /0 Nay Motion Carried: Yes

20. ANY ACTION AS A RESULT OF CLOSED SESSION

Motion by Supervisor Kevin Schuh with second by Supervisor Margo Fox to have Attorney Frassetto to create a censor resolution document.

5 Yea /0 Nay Motion Carried: Yes Chairman Charles Kramer opposed.

21. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve vouchers 32771 through 32806, EFT's 10691-10706 and 11 E-pays/EFT's, TID #1 checks 154-157.

5 Yea /0 Nay Motion Carried: Yes Supervisor Jason Vandenberg abstained to the TID #1 checks.

22. ADJOURN

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to adjourn at 9:14 p.m.

5 Yea /0 Nay Motion Carried: Yes

Respectfully submitted,

Colleen M. Laha, Clerk/Treasurer