

Approved 5/27/2020

**TOWN BOARD MEETING
WEDNESDAY, APRIL 29, 2020
7:00 P.M.
FREEDOM TOWN HALL
W2004 COUNTY RD S**

1. CALL TO ORDER, ROLL CALL, PLEDGE

Town Board Meeting called to order by Supv. Brandon Conrad at 7:01 p.m. Members present: Chairman Charles Kramer, Supervisors: Brandon Conrad, Dave Rickert, Kevin Schuh and Jason Vandenberg.

Also present: Clerk/Treasurer Colleen Laha and Deputy Clerk Treasurer Michelle Evers. Pledge recited.

2. VERIFICATION OF POSTING & ADOPT AGENDA

Meeting Posted by Clerk's office the 28th day of April, 2020, at 1:30 p.m. on 2 boards at the Town Hall and on Town Website. Also posted at: Dairyland Depot, Freedom Mini Mart and YETI, LLC.

Motion by Supv. Jason Vandenberg with second by Supv. Kevin Schuh to approve the agenda as posted.

5 Yes 0 No MC

3. CONSIDERATION OF MINUTES FOR MARCH 25, APRIL 14 & April 21, 2020 MEETING

Motion by Supv. Kevin Schuh with second by Supv. Jason Vandenberg to approve the minutes of the 3/25/2020 meeting. 5 Yes 0 No MC

Motion by Supv. Jason Vandenberg with second by Supv. Dave Rickert to approve the minutes of the 4/14/2020 meeting. 5 Yes 0 No MC

Motion by Supv. Jason Vandenberg with second by Supv. Kevin Schuh to approve the minutes of the 4/21/2020 meeting. 5 Yes 0 No MC

4. PUBLIC COMMENT SESSION

Bill Kohrt – commented that as a courtesy, board members should return calls to individuals that have questions in a timely manner.

5. CONSIDERATION OF FIRE DEPT/EMS BUILDING BID DOCUMENTS

Fire & EMS Building

Supv. Jason Vandenberg informed the board that there is a deferred water and sewer assessment of \$26,103.62 that will be due on the parcel where the new Fire Department/EMS building will be built.

a. Accept Alternates – YES means you want the Alternate, NO means you do not want the Alternate

Alternate #1 CLEAR STORY WINDOWS ON SOUTH SIDE OF BUILDING (Deduct \$4,210.00)

Charlie – YES

Brandon – YES

Dave – NO

Kevin – NO

Jason – YES

3 -YES 2- No **Credit Accepted.**

Alternate #2 EPOXY FLOORS (Deduct \$31,619.40)

Charlie – YES
Brandon – YES
Dave – NO
Kevin – NO
Jason – YES
3 -YES 2- No **Credit Accepted.**

Alternate #3 PAINTING OF STEEL (Deduct \$10,000)

Charlie – No
Brandon – No
Dave – No
Kevin – NO
Jason – No
0 -YES 5- No **Credit Rejected.**

Alternate #4 ADD 5TH BAY (ADD \$81,438.58)

Charlie – YES
Brandon – YES
Dave – YES
Kevin – YES
Jason – YES
5 -YES 0- No **Addition Accepted.**

Alternate #5 LION'S CLUB SIGN (ADDITON \$1,900.00)

Charlie – YES
Brandon – YES
Dave – YES
Kevin – YES
Jason – YES
5 -YES 0- No **Addition Accepted.**

Alternate #6 INCLUDE CONCRETE APRON (ADDITION \$8,498.28)

Charlie – NO
Brandon – NO
Dave – YES
Kevin – YES
Jason – NO
2 -YES 3- No **ADDITION Rejected.**

Alternate #7 ADDITIONAL LANDSCAPING AROUND PERIMETER OF PROPERTY (ADDITION \$11,124.45)

Charlie – NO
Brandon – NO
Dave – NO
Kevin – NO
Jason – NO
0 -YES 5- No **ADDITION Rejected.**

Accepted - Alternate #1,2,4,5 Rejected - Alternate # 3, 6, 7

- b. Approve Contract

Motion by Supv. Jason Vandenberg with second by Chairman Charles Kramer to approve the amended Design/Construction management agreement to accept Alternate #1, 2, 4, 5 not to exceed \$3,470,655.40. 5 Yes 0 No MC

Financing Fire & EMS Building

- c. Architectural bill – Money is being transferred tomorrow morning from the Local Government Investment Pool to the checking account. I will work with Keller as to how they would like to receive payment.
- d. Down Payment bill – A check will be sent for the three invoices we have received. \$115,000.00, \$325,000.00 and \$70,000.00.

6. PLAN COMMISSION APPOINTMENT DUE TO VACANCY

Motion by Chairman Charles Kramer with second by Supv. Dave Rickert to approve the appointment of Darin Tiedt to fill the Plan Commission vacancy. 5 Yes 0 No MC

7. PLAN COMMISSION REFERRALS

UPDATE FROM PLAN COMMISSION

A. STORM WATER UTILITY DISCUSSION

Supv. Brandon Conrad gave any update that the Plan Commission was working on forming a storm water utility.

B. CONSIDERATION OF SITE PLAN APPLICATION FOR BELGIOIOSO CHEESE

the application for the site plan for Belgioioso Cheese with the eleven (11) conditions as listed in the April 29, 2020 email from Jeff Kussow.

5 Yes 0 No MC

The recommended amended conditions below are the conditions recommended by Plan Commission with additions/deletions (**blue w/ underline** = additions; **red w/ strikethrough** = deletions) for the purpose of clarification.

- 1) The project shall comply with all applicable local, state, and federal codes/ordinance.
- 2) There shall be no structure(s) or planting(s) greater than three (3) feet in height within the vision corners of the driveway and public road intersections (i.e., CTH S & Vine Rd.) as required by Section 26.303(7) of the Town of Freedom Site Plan Ordinance.
- 3) The applicant shall obtain a Town of Freedom Erosion Control and Stormwater Management Permit from the Town prior to commencing construction. The project shall comply with all applicable requirements of Chapter 24 and Chapter 25 of the Town of Freedom Municipal Code.
- 4) The building/development shall be served by public water and sewer in compliance with the Freedom Sanitary District requirements. Written documentation from the Freedom Sanitary District confirming that the Sanitary District has reviewed and approved the plans for connection to sanitary sewer and water shall be submitted to the Town prior to commencing construction.
- 5) The building shall be served by the existing private wastewater treatment plant owned by BelGioioso Cheese Inc. in compliance with Wisconsin Department of Safety & Professional Services and Outagamie County requirements.
- 6) The building shall be served by a private well in compliance with Wisconsin Department of Natural Resources requirements.
- 7) Any signage shall be in compliance with Outagamie County Zoning Ordinance requirements.
- 8) Any substantial changes or additions to ~~this site/building~~ the site plan(s), building plan(s), and/or utility plan(s) must be reviewed and approved by the Plan Commission and Town Board in accordance with the requirements of the Town of

Freedom Site Plan Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Engineer, Town Planner, and/or Freedom Sanitary District.

- 9) As required by Section 26.206 of the Town of Freedom Site Plan Ordinance, the landowner shall enter into a Site Plan Improvement Agreement with the Town, containing the following provisions:
- Identifying the approved site plan including the submittal of a record drawing.
 - Identifying the estimated cost of required site improvements for parking, access, landscaping and other required improvements.
 - Providing the completion date.
 - Providing for a financial guarantee in the form of a cash escrow deposit with the Town, or a letter of credit or a performance bond for the benefit of the Town and in the name of the Town in an amount not to exceed the estimated costs of the required improvements, for a term commensurate with the completion date plus three additional months, for the purpose of ensuring that required improvements will be completed in a timely manner.
- 10) A Developers Agreement shall be drafted to the satisfaction of Town officials, ~~and the~~ Town Attorney, and Freedom Sanitary District addressing stormwater management and utility ~~easements~~ requirements; and recorded in the Outagamie County Register of Deeds prior to ~~commencement of~~ commencing construction ~~of the building~~.
- 11) The existing vegetative screening on the north and east side of the building shall be maintained or enhanced.

C. Tear Drop Lane: WE Energies Gas Relocation Work Schedule to be determined. Cedar to contact Northeast Asphalt regarding their proposed work schedule once we hear back from WE Energies. Update from Justin Keen. Electrical is almost done. Gas will be coming out soon. Cedar will meet with Northeast Asphalt late this week or early next week.

D. French Road – CTH C Dredging Project: The project is currently under WDNR permit review. Cedar has had conference calls with DNR and Outagamie County Land Conservation on April 7th and 15th. Cedar also met with Outagamie County Land Conservation on site to review the project on April 27, 2020. Outagamie County Land Conservation will provide some additional stream flow information to Cedar to use to get the WDNR permit secured. Outagamie County Land Conservation may also have some grant funding available for this project. Cedar will provide the Town a meeting summary and more detailed cost estimate once we receive the additional data from Outagamie County. A guy from the Outagamie County Land Conservation is coming out on Friday to take more measurements from the stream of the sediment that is on the bottom. Due to the weather that may be pushed back. Justin will contact them tomorrow to find out if they are still coming out on Friday and the time. He will send an email to Colleen to forward to the Town Board.

E. TID #2 – Freedom West Industrial Park – The final punch list items on file for TID 2 regarding re-grading and storm water management outlet structures in the development were reviewed and are acceptable. Any final pay requests remaining should be reviewed and closed out. The Final Punch list is completed and acceptable. There is an invoice from MCC for \$8,428 and some retainage for landscaping. We will not be doing anymore work in the Tid #2.

8. CONSIDERATION OF FINANCIAL ADVISOR

Motion by Supv. Jason Vandenberg with second by Chairman Charlie Kramer to approve hiring Ginny Hinz with no charge to the Town as the Town Financial Advisor with her signing a confidentiality agreement and nondisclosure agreement. 5 Yes 0 No MC

9. CONSIDERATION OF PURCHASE/TRADE OF BAT WING MOWER

Motion by Supv. Jason Vandenberg with second by Supv. Brandon Conrad to approve the purchase of 2013 Bat Wing Rotary Cutter mower at a cost of \$7,595.00 with trade-in credit of \$2,400.00 for the Town's Vemeer disc mower for a total cost of \$5,195.00. 4 Yes 1 No Chairman Charles Kramer Opposed. MC

10. CONSIDERATION OF SLURRY SEAL COATING OF STREETS

Motion by Chairman Charles Kramer with second by Supv. Dave Rickert to proceed with the slurry sealing, up to two miles of road with the Struck and Irwin Paving quote dated April 27, 2020. 5 Yes 0 No MC

11. DEPARTMENT/ATTORNEY REPORTS

Clerk reported that they had finished the election. For past couple of weeks, the clerk's office has been working from home. The clerk does come to the office occasionally for work that cannot be completed at home.

Supv. Brandon Conrad would like monthly financial updates from Cedar Corporation.

Attorney reported he sent a letter to property owners on Vans Ct about a complaint received regarding drainage issue. The property owners provided information, taking the position that they did nothing to obstruct the drain at the rear of the property. When weather is nicer Frassetto or Cedar will do a site review.

The attorney is working with Capital Credit Union to get Adam Fox and Capital together. Should have the loan documents ready to be signed at May meeting. The good news is that interest rates have dropped. All the contractors are lined up to start work in June.

Frassetto has a draft of the Belgioioso Agreement combining the site plan agreement, storm water maintenance management agreement and will include stormwater and sanitary district items. He will be working with the sanitary district on changes and the site plan will get attached as an exhibit. He will get a draft to the Plan Commission for the meeting next Wednesday. Then it can get approved by the Town Board so Belgioioso can start their project as soon as they get all their permitting.

The attorney discussed that the owner of lot 1 in the Tid #2 and three others have expressed interest in building in Freedom. Some potential industrial sites have been identified and some point he may request to explore the viability of those properties.

Bill Kohrt inquired if Frassetto has looked into the Drainage District. Frassetto is looking at GIS maps online because the Outagamie County Land Information Office is closed due to the corona virus. He is looking to identify that basin's property owners to create a master list to work with.

The attorney received an email regarding the Schmidt Rd Property. He will contact Schmidt's to get more information and report back to the board.

12. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supv. Kevin Schuh with second by Supv. Dave Rickert to approve Vouchers #30497 – 30533, Direct Deposits #9679 – 9713 and Tid #2 Check 163. 5 Yes 0 No MC

Motion by Supv. Kevin Schuh with second by Supv. Dave Rickert to approve three invoices from Keller for the new Fire Dept/EMS Building – March's Design & Engineering invoice - \$115,000.00, April's Design & Engineering invoice - \$70,000.00 and Down payment invoice - \$325,000.00 5 Yes 0 No MC

Supv. Jason Vandenberg reported that the rumors regarding naming of the Baseball field is false. The only naming rights that have been discussed is for the Home Patio Deck would be for Heartland Business Systems because they donated \$50,000.00.

- 13. Motion by Supv. Dave Rickert with second by Chairman Charles Kramer to adjourn at 9:05 p.m.
5 Yes 0 No MC***

***Colleen M. Laha
Clerk/Treasurer***