

APPROVED 9/23/2020
TOWN BOARD MEETING
Wednesday, August 26, 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 Chairman Charlie Kramer at 7:00 p.m. Members present: Charles Kramer, Brandon Conrad, Kevin Schuh and Jason Vandenberg. Supv. Dave Rickert excused.

Also present: Clerk/Treasurer Colleen Laha, Deputy Clerk/Treasurer Michelle Evers, Attorney Steve Frassetto and Dean Zanon (Cedar Corp).

2. VERIFICATION OF POSTING AND ADOPT AGENDA

Meeting Posted by Clerk's office the 21st day of August, 2020 at 2:30 p.m. on 2 boards at the Town Hall, and on Town Website. Also posted at: Dairyland Depot, Freedom Mini Mart and HNR, LLC

Motion by Supv Brandon Conrad with second by Supv. Jason Vandenberg to approve the agenda as posted.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

3. CONSIDERATION OF MINUTES 7/22, 7/29 & 8/19

Motion by Supv Brandon Conrad with second by Supv. Kevin Schuh to approve the minutes of 7/22, 7/29 and 8/19.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

4. PUBLIC COMMENT SESSION

Zack Fox questioned if the speed limit could be lowered on County Highway E near Irish Acres. Fox is surprised that there has not been an accident already in that area. The Town does not have control over the speed limit on County roads. Clerk will contact Outagamie County Highway Department regarding this issue.

Michael Vandenberg questioned if the Town would work with him on plans for a subdivision and the requirement for drainage. The Town would if they could. Frassetto will check on options that may help Mr. Vandenberg.

5. CONSIDERATION OF 2020 CEMETARY VETERAN'S GRAVE REIMBURSEMENT

Motion by Chairman Charles Kramer with second by Supv. Kevin Schuh to approve the 2020 Cemetery Care Applications for Community Lutheran Cemetery, St. Peter Lutheran Cemetery, Freedom Cemetery, St. Nicholas Cemetery and Freedom Moravian Cemetery Association. Vote: 4 Yea / 0 Nay Motion Carried: Yes

6. CONSIDERATION OF PAY REQUEST #1 FOR KELLER, INC.

Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve Pay Request #1 for Keller, Inc. for \$574,846.32. Vote: 4 Yea / 0 Nay Motion Carried: Yes

7. CONSIDERATION OF SPECIAL EVENT FOR FIELD OF SCENES – AUGUST 29, 2020

Motion by Supv. Jason Vandenberg with second by Supv. Brandon Conrad to approve special event for Field Of Scenes for August 29, 2020. Vote: 4 Yea / 0 Nay Motion Carried: Yes

8. CONSIDERATION OF LIQUOR LICENSE APPLICATION FOR SHOP & SAVE MART

Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve the Liquor License for Shop & Save Mart, Rekha Bhattarai with Nega Bhurtel as the agent. Vote: 4 Yea / 0 Nay Motion Carried: Yes

9. CONSIDERATION OF TEMPORARY LIQUOR LICENSE - FREEDOM FASTPITCH CLUB, INC. - VFW PARK PAVILION 9/11-9/13

Motion by Chairman Charles Kramer with second by Supv. Kevin Schuh for Temporary Liquor License – Freedom Fastpitch Club, Inc. – VFW Park Pavilion 9/11 – 9/13 with Scott Murphy as the agent. Vote: 4 Yea / 0 Nay Motion Carried: Yes

10. CONSIDERATION OF OPERATOR'S LICENSE REQUESTS

Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve Operator's Licenses as presented: Rekha Bhattarai, Nega Raj Bhurtel, Heather M. Cherney, Riley E. Genke.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

11. CONSIDERATION OF PURCHASE OF DROP BOX FOR ABSENTEE BALLOTS-Tabled

12. PLAN COMMISSION REFERRALS

- A. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; NEIGHBORHOOD ACRES LLC; W1560 VAN ASTEN ROAD (PIN 090-0329-00)
Motion by Chairman Charlie Kramer with second by Supv. Brandon Conrad to approve the Certified Survey Map for Neighborhood Acres LLC; W1560 Van Asten Road (PIN 090-0329-00 with no conditions.
Vote: 4 Yea / 0 Nay Motion Carried: Yes
- B. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; MARK G. VAN ASTEN, MARCY A. VAN ASTEN, JOSEPH F. VAN ASTEN, THERESA M. VAN ASTEN, & MARIAN M. VAN ASTEN (L.C. & L.E.); W1384 VAN ASTEN ROAD (PIN 090-0322-00)
Motion by Supv. Jason Vandenberg with second by Chairman Charles Kramer to approve the Certified Survey Map for Mark G. Van Asten, Marcy A. Van Asten, Joseph F. Van Asten, Theresa M. Van Asten, & Mariean M. Van Asten (L.C. & L.E.); W1384 Van Asten Road (PIN 090-0322-00) Vote: 4 Yea / 0 Nay Motion Carried: Yes
- C. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; BRYAN G. FOX & AMY V. FOX; N3872 COUNTY ROAD EE (PIN 090-0494-00)
Motion by Supv. Jason Vandenberg with second by Chairman Charles Kramer to approve the Certified Survey Map for Bryan G. Fox & Amy V. Fox; N3872 County Road EE (PIN 090-0494-00).
Vote: 4 Yea / 0 Nay Motion Carried: Yes
- D. APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW RESIDENCE & HORSE BARN; JASON C. HAEN & TRICIA A. HAEN; W3450 EQUESTRIAN TRAIL (PIN 090-1937-00)
Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve Jason C. & Tricia A. Haen's request for a Conditional Use Permit for filling within 300 feet of a navigable stream (tributary of Duck Creek) associated with a new residence & horse barn on the property addressed W3450 Equestrian Trail (PIN 090-1937-00); subject to the following condition:
The project shall comply with all applicable local, state, and federal codes/ordinances; including all necessary permits/approvals for the proposed wetland disturbance. Vote: 4 Yea / 0 Nay Motion Carried: Yes
- E. CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW DRIVEWAY; KEVIN M. FITZSIMMONS & MEGAN FITZSIMMONS; W3640 ROCK ROAD (PIN 090-0495-03)
Motion by Supv. Jason Vandenberg with second by Chairman Charles Kramer to approve Kevin M. & Megan Fitzsimmons' request for a Conditional Use Permit for filling within 300 feet of a navigable stream (tributary of Duck Creek) associated with a new driveway on the property addressed W3640 Rock Road (PIN 090-0495-03); with no conditions. Vote: 4 Yea / 0 Nay Motion Carried: Yes
- F. CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW DRIVEWAY CROSSING THE STREAM; LARRY P. RIESENWEBER, NANCY A. RIESENWEBER, & HEATH LORNSON; PIN 090-0091-02 (FRENCH ROAD), LOCATED TWO LOTS NORTH (APPROX. 260 FEET) OF N4632 FRENCH ROAD.
Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve Larry P. & Nancy A. Riesenweber's and Heath Lornson's request for a Conditional Use Permit for filling within 300 feet of a navigable stream (tributary of Duck Creek) associated with a new driveway crossing the stream on tax parcel number 090-0091-02 (French Road); subject to the following condition:
The project shall comply with all applicable local, state, and federal codes/ordinances.
Vote: 4 Yea / 0 Nay Motion Carried: Yes

- G. CONSIDERATION OF SPECIAL EXCEPTION PERMIT APPLICATION FOR A PORTION OF A NEW RESIDENCE TO BE USED FOR STORAGE SERVING AN EXISTING WINERY (KERRIGAN BROTHERS WINERY); TROY R. LANDWEHR; N2797 STATE HIGHWAY 55 (PIN 090-0937-00)

Motion by Chairman Charles Kramer with second by Supv. Brandon Conrad to approve Troy R. Landwehr's request for a Special Exception Permit for a portion of a new residence to be used for storage serving an existing winery (Kerrigan Brothers Winery) on the property addressed N2797 State Highway 55 (PIN 090-0937-00); with no conditions. Vote: 4 Yea / 0 Nay Motion Carried: Yes

- H. CONSIDERATION OF SITE PLAN APPLICATION FOR A WAREHOUSE/STORAGE BUILDING SERVING AN EXISTING MANUFACTURING BUSINESS (K&M WORLDWIDE CRATING, LLC); MAASS PROPERTIES LLC; W1920 INDUSTRIAL DRIVE (PIN 090-2109-00)

Motion by Supv. Brandon Conrad with second by Supv. Jason Vandenberg to approve the site plan for a WAREHOUSE/STORAGE BUILDING SERVING AN EXISTING MANUFACTURING BUSINESS (K&M WORLDWIDE CRATING, LLC); MAASS PROPERTIES LLC; W1920 INDUSTRIAL DRIVE (PIN 090-2109-00) with the following conditions:

- 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. Any equipment or materials stored outdoors shall be visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.*
- 5. The exterior building materials facing the east and west side yard setbacks shall be two-tone steel, as proposed, to match the existing building on the property.*
- 6. The ratio of building area (footprint) to total parcel size may exceed 35%, provided the proposed building size is decreased to 50 ft. x 205 ft. and the building is setback an additional 5 ft. from the front (south) property line.*
- 7. Any substantial changes or additions to the site plan and/or building plans 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 and/or Town Planner.*

Vote: 4 Yea / 0 Nay Motion Carried: Yes

I. UPDATE ON COMPREHENSIVE PLAN

Supv. Brandon Conrad reported that the Plan Commission had settled on changes to the Comprehensive Plan. The Public Hearing will take place October 7, 2021. It has been posted and published.

13. FIRE/EMS BUILDING UPDATE

Supv. Brandon Conrad reported that there were no new change orders. The contingency at this time is \$110,271.00. The steel is going on and it will be enclosed in the next month.

Charlie mentioned that there were some cracks in the floor, a crack on the south side and a crack on the north side. The concrete block is not tucked. Jason said they were not finished yet.

14. DEPT./ATTORNEY REPORTS

Attorney Frassetto gave update on the drainage issue for Vans Ct. There is an easement for the storm sewer at the back of the property. The drain is about a foot higher than the elevation of the lot. The egress window that was put in did not cause the drainage issue. Cedar will investigate the planned heights.

We have not been able to locate a lighting plan for Country Villa's original building. Frassetto will follow up that if they cannot produce the plan, they will need to change light fixtures or add a shroud.

Developer's agreement for Belgiogioso is out. Frassetto will follow up with Amy Beland to get the information needed to finish the agreement.

Letter from Attorney representing Chris Nechodom. Attorney Frassetto will respond to letter that under Wisconsin law no department head has a right to sign a contract without getting it approved by the governing body in which case, that would have been the police commission.

Clerk submitted a written report.

Public Works/Engineer submitted a written report.

15. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supv. Brandon Conrad with second by Supv. Kevin Schuh to approve Direct Deposits # 9819 to 9860 including 9852 and 9853, General Fund Vouchers #30661 to 30692, TID 1 none, TID 2 none and Fire Dept/EMS BLDG Checking #1003-1008. Vote: 4 Yea / 0 Nay Motion Carried: Yes

16. 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.

Motion by Supv. Kevin Schuh with second by Supv. Brandon Conrad to MOVE TO CLOSED SESSION at 9:05 p.m.

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.

Voting Aye: Charles Kramer, Brandon Conrad, Kevin Schuh and Jason Vandenberg

Vote: 4 Yea / 0 Nay Motion Carried: Yes

17. RETURN TO OPEN SESSION

Motion by Supv. Jason Vandenberg with second by Supv. Kevin Schuh to return to open session at 9:42 p.m.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

18. ANY ACTION AS A RESULT OF CLOSED SESSION – NONE

19. ADJOURN

Motion by Supv. Brandon Conrad with second by Supv. Kevin Schuh to adjourn at 9:43 p.m.

Vote: 4 Yea / 0 Nay Motion Carried: Yes