

Approved 5/25/2022
TOWN BOARD MEETING
WEDNESDAY, APRIL 27, 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: Supervisor Kevin Schuh, Supervisor Jason Vandenberg, Supervisor Brandon Conrad and Supervisor Margo Fox.

Also present: Clerk/Treasurer Colleen Laha, Deputy Clerk/Treasurer Jennifer Andersen, Attorney Steve Frassetto, Jeff Kussow, Justin Keen and Dean Zanon from Cedar Corporation.

Supervisor Brandon Conrad led in 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 22nd of April 2022 at 2:30 p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/ Halesi, SLLC.

Motion made by Supervisor Brandon Conrad with a second by Supervisor Jason Vandenberg to adopt the agenda mending 5. Resolution 2022-03 and 7. to include 5/14.

5 Yea / 0 Nay Motion Carried: Yes

3. CONSIDERATION OF MINUTES OF 3/23/2022 & 4/7/2022 MEETING

Motion made by Supervisor Jason Vandenberg with a second by Supervisor Kevin Schuh to approve the minutes of 3/23/2022 and 4/7/2022.

4 Yea / 0 Nay Motion Carried: Yes Chairman Kramer abstained for 3/23/2022. Supervisor Brandon Conrad abstained for 4/7/2022. Supervisor Margo Fox abstained entire motion.

4. PUBLIC COMMENT SESSION

A Town Resident was concerned that the Freedom Athletic Association will not allow the school to use the concession stand. The high school has to sell concessions at a picnic table outside the concession stand. These parents have been working in the concession stands since their children were 4 years old, yet now they are not good enough to work in the concession stands because something might get broke. Resident pointed out that it is a Town owned building that is maintained by the Town and pays the insurance. Supervisor Jason Vandenberg told Resident that there was a Park Committee on Monday where this subject would be discussed and advised that he should attend. Resident said that the baseball and softball was not allowed to use the concession stand. He, nor his son were there on Saturday, but he was embarrassed for those that were. Resident gave his keys back saying he was embarrassed to be associated with that.

Adam Fox spoke to the board explaining that he coaches high school baseball and has been involved in this for 17 years and calls this the three-ring circus. Fox went on to say, there is always like give me \$380,000.00, Charlie made it almost impossible to give money, Charlie fought it every step of the way. Fox said when he said that they wanted to donate their time and their effort to run a tournament, don't talk to us, talk to the FAA. So right now, the FAA has full jurisdiction over food and what you can do down there when they are just trying to pay off a loan. And it is constant conflict between school, town and FAA and they are all in a power struggle. The Town will tell you to go talk to the FAA. The FAA and the school will fight back and forth, so Fox is caught in that battle. And it is over a couple of hundred dollars, so it doesn't have anything to do with the money. It has to do with the power. Fox went on to say that we should make the town the best it can be for baseball, for softball, for soccer. That part should be the vocal point of this town because our school fails miserably when we go to referendum. So, let's make that something to be proud of. And we have people on

this board making that nearly impossible, not willing to make a decision. At the same time, the FAA, everyone has to work together and that is not happening. The park should be the place where people say wow, look at Freedom, they do it right.

Town Resident spoke to the board stating she is not from around here and has a son who is a senior in high school that plays baseball. She called the Town Hall asking if she could rent out Diamond #4 and the person she talked to did not know who she should spoke with (possibly Connie) and the person gave her a number to call, Adam Eggert who is the Director of FAA and knows when the ball diamonds are being used. Resident said she called Adam who then told her he would have to talk to the Board and decide. She is confused, there are so many hands in the cookie jar, nobody knows what is going on, why aren't we renting out these facilities? There is a huge soccer field with a facility, why aren't we renting that? Resident also mentioned that she has worked in the concession stand since her oldest was young and she knows how to run that. We are all taxpayers and we should be renting these facilities out and making the town money, you can rent stuff in Appleton.

She also came back and stated that Adam called her back and said she can use Diamond #4 but not the concession stand, if she wants to use underneath it that is fine, not inside. Resident said she offered to take the items out and put them back and the decision was still no.

Supervisor Brandon Conrad addressed Resident and said there is an issue with the parks and all this stems from scheduling issues. Colleen and Jen do not know the Freedom High School schedule, what the FAA plays down there in order to tell you what can be rented down there. Supervisor Brandon Conrad said we need a director to keep up with the scheduling. Again, right up here, there will be a Park Meeting this Monday at 6:00 p.m.

Resident went on to say that she wants to rent it for graduation for her son and can't believe it took this many calls.

Jennifer Andersen, Deputy Clerk/Treasurer asked if she could speak? Supervisor Brandon Conrad said go ahead. Jennifer addressed Resident and stated it was Jen that she talked to and that she just started in December. Jen said to Resident; like Brandon said, the office has no idea who plays ball on what days. As Jen stated to Resident on phone, she was the first person to ask to rent a diamond and she provided her with a number to call; so please don't make us sound like we don't know what we are doing in the office.

5. BRAD VIEGUT, MANAGING DIRECTOR OF PUBLIC FINANCE AT RW BAIRD WILL REVIEW THE CONSIDERATION AND POSSIBLE ACTION OF RESOLUTION 2022-03 AUTHORIZING THE ISSUANCE AND SALE OF A \$1,000,000 GENERAL OBLIGATION PROMISSORY NOTE

Motion by Supervisor Brandon Conrad with Second by Supervisor Jason Vandenberg to approve Resolution 2022 authorizing the issuance and sale of a \$1,000,000.00 General Obligation Promissory Note.

Charles Kramer – Yea

Brandon Conrad – Yea

Margo Fox – Yea

Jason Vandenberg – Yea

Kevin Schuh – Yea

5 Yea / 0 Nay Motion Carried: Yes

6. CONSIDERATION AND POSSIBLE ACTION RUN FOR LIFE EVENT 4/30 – LISA VAN CAMP

Lisa VanCamp addressed the Board and stated the benefit is for Dave Beyer. Outagamie County Sheriff Department and the Freedom Fire Department is aware of the route and is okay with it.

Motion by Supervisor Brandon Conrad with second by Supervisor Jason Vandenberg to approve the special event request for Run for Life for organizer Lisa Van Camp for April 30, 2022.

5 Yea / 0 Nay Motion Carried: Yes

7. CONSIDERATION AND POSSIBLE ACTION OF REQUEST BY JEFF BAKER OF BUZZ'S TO AMEND LIQUOR LICENSE TO HOLD OUTDOOR EVENT 4/30 ACTION & 5/14/2022

Motion by Supervisor Jason Vandenberg with second by Supervisor Kevin Schuh to approve the special event request for Buzz's with Jeff Baker as agent to amend their liquor license to hold an outdoor event on 4/30/2022 and 5/14/2022.

5 Yea / 0 Nay Motion Carried: Yes

8. CONSIDERATION AND POSSIBLE ACTION OF AWARD FOR SLURRY SEAL BID – STRUCK & IRWIN

Town Board Members reviewed the sealed bids that were received until 2:00 p.m. on the 7th day of April, 2022.

The bids were publicly opened and read on April 7, 2022 at 3:00 p.m. at the Town of Freedom Town Hall located at W2004 County Rd S, Freedom, WI. The bids were for French Road from Co. Hwy. S to County Road O, (2 miles) including extra widths at driveway/field aprons and at bridge (27,800 square yards). The bid notice was published March 22, 2022 & March 29, 2022.

Fahrner Asphalt Sealers LLC- \$73,948.00

Struck & Irwin Paving Inc. - \$71,782.08

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve the bid submitted by Struck & Irwin not to exceed \$71,782.08.

5 Yea / 0 Nay Motion Carried: Yes

9. PLAN COMMISSION REFERRALS

A. Consideration and action on Site Plan Application for a new Commercial Storage/Mini-Storage Establishment; Jerry Van Lanen; PIN 090-0620-03 (Southeast Corner of Schmidt Rd/County Rd E Intersection); Schmidt Rd

Supervisor Jason Vandenberg abstained from this Site Plan Application because he said he owns land close to this property.

Jeff Kussow, Cedar Corporation, reminded the Town Board that this Site Plan Application was reviewed at the March Plan Commission meeting and the Commission decided to table the application for review at the April meeting where they denied the application. Jeff Kussow provided a summary of the application, the proposed commercial storage/mini-storage establishment project, and the staff report provided to Town Board members in their meeting packets. The Plan Commission was generally opposed to the proposed project due to the following reasons:

- 1. Too much conflict with surrounding uses.**
- 2. Opposition by neighbors.**
- 3. There are other opportunities for this type of development within the Township.**
- 4. The development does not fit the "Low Intensity" commercial corridor description of the Town Site Plan Ordinance and Comprehensive Plan.**

Supervisor Brandon Conrad read the letter from Attorney Steve Frassetto regarding the application prior to the Plan Commission meeting in April that was addressed to Jeff Kussow.

Motion made by Chairperson Charlie Kramer with a second by Kevin Schuh to deny the site plan application. Chairperson Charlie Kramer has now left the motion open and is open for public comment.

Attorney Steve Frassetto suggested to the residents that attended, to listen to what others are saying and not repeat one another, this is not a public meeting. Attorney Frassetto also wanted to make it clear that years ago, the Town had an opportunity to do their own zoning, a room with about the same amount of people, ruled with the County zoning because it was cheaper. Under the County Ordinance that regulates zoning in the Town of Freedom, this is a permitted use, can't change that.

Chairperson Charlie Kramer informed everyone that he was presented with a petition of approx. 130 signatures.

Town Resident questioned the sewer and water, who would be in charge of that and why? Supervisor Brandon Conrad responded by stating the two front offices would have sewer and water.

Town Resident questioned security with a storage unit, she had a storage unit, and it was broken into all the time. Supervisor Brandon Conrad responded by stating this was brought up multiple times and Jerry Van

Lanen said he has had seven incidents in the nineteen years since he has had his facilities. Resident also brought up the fact that is what he is aware of, plus the fact there will be traffic issues with a sub-division coming off of that as well. She stated if anyone goes by there now, it is backed up passed Schmidt Road. Supervisor Brandon Conrad said that based on Jerry's other units, there will be between 40 and 60 entrances a day.

Town Resident said she lives in that area where this monstrosity will be placed and her kids' windows are right here (and pointed it out on map), in the ordinance here she understands the Board cannot limit hours of operation but with her talking with Jerry; Jerry stated they are open 24/7. She said there is no way to determine how many people will be coming and going. My kids will be woken up in the middle of the night, the dog will be barking.

Town Resident asked how many stalls are in each building. Jerry came back and said approx. 22 per unit.

Town Resident asked why the Town Hall isn't being built over by the Fire Station like it was discussed.

Supervisor Brandon Conrad said it was voted down and the Town does not own the land, Jerry Van Lanen does.

Town Resident asked how much tax revenue does the Town get? Supervisor Brandon Conrad stated the purposed value is \$3.8 million. The mill rate is \$4.26. Attorney Steve Frassetto said the land is in the TID, the base value that went into the TID, anything over and above that the Town can take 100% of the tax levy until the TID is closed. After that, then the component to the school district, technical college, and county. With a TID the Town receives \$15-16 per \$1000.00. Once the TID is closed then it will be with the ongoing mill rate, which is now approx.. \$4.26 per \$1000.00.

Town Resident asked the Town Board if he could get a show of hands who are here? Chairperson Charlie Kramer stated he thought he knew why the majority was there. A Resident stated that the Residents are the ones that voted them all on the board and would appreciate a show of hands. Chairperson Charlie Kramer asked for a show of hands who oppose? Then Chairperson Charlie Kramer asked for a show of hands who are for? No count of hands was taken but it was noticeable that many more residents were opposed than for.

Motion by Chairman Charles Kramer with second by Supervisor Kevin Schuh to deny the site plan application for a new Commercial Storage/Mini-Storage Establishment: Jerry Van Lanen: PIN 090-0620-03 (Southeast Corner of Schmidt Rd/County Rd E Intersection); Schmidt Rd

4 Yea 0 Nay Motion Carried: Yes Supervisor Jason Vandenberg abstained.

B. Consideration and possible action on Certified Survey Map Application; Kenneth F Stellmacher and Gary L & Kathryn A Schabo Living Trust; PIN 090-0065-00; County Road J

Jeff Kussow, Cedar Corporation, provided a summary of the Certified Survey Map Application, the proposed 1-lot Certified Survey Map, and the staff report provided to the Town Board members in their meeting packets.

Motion by Supervisor Brandon Conrad with second by Chairman Charles Kramer to approve the Certified Survey Map Application; Kenneth F Stellmacher and Gary L & Kathryn A Schabo Living Trust; PIN 090-0065-00; County Road J with no conditions.

5 Yea / 0 No Motion Carried: Yes

C. Consideration and possible action on Certified Survey Map Application; Andy J & Dana A Verkuilen; PIN 090-0176-02; W3106 Garvey Road

Jeff Kussow, Cedar Corporation, provided a summary of the Certified Survey Map Application, the proposed 2-lot Certified Survey Map, and the staff report provided to the Town Board members in their meeting packets.

Motion by Supervisor Brandon Conrad with second by Supervisor Jason Vandenberg to approve the Certified Survey Map Application; Andy J & Dana A Verkuilen; PIN 090-0176-02; W3106 Garvey Road with no conditions.

5 Yea / 0 No Motion Carried: Yes

10. DISCUSSION ON COUNTRY FIELDS SUBDIVISION PLAT ENGINEERING REVIEW AND DEVELOPER'S AGREEMENT
Justin Keen, Cedar Corporation, gave Town Board members information in their packets to review. He also gave them some key items to think about for future consideration.
No motion necessary at this time.

11. DISCUSSION AND POSSIBLE ACTION ON CHANGE ORDER NO. 1 AND PAY APPLICATION NO. 1 FOR THE TOWN HALL ROOF REPLACEMENT PROJECT
Discussed the change order. A savings of \$8,340.00 was realized by changing the insulation from poly-isocyanurate to direct to deck EPS, expanded polystyrene

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve Change Order No. 1 and Pay Application No. 1 for the Town Hall Roof Replacement Project for \$83,108.85.
5 Yea / 0 No Motion Carried: Yes

12. CONSIDERATION AND ACTION ON RESOLUTION #2022-02, A RESOLUTION TO OBTAIN A COST-SHARE GRANT FROM THE DEPARTMENT OF NATURAL RESOURCES STATE OF WISCONSIN, FOR THE WI DNR STEWARDSHIP/LAND AND WATER CONSERVATION FUND GRANT APPLICATION FOR EXPANSION OF VFW MEMORIAL PARK
Jeff Kussow, Cedar Corporation, explained that at the February 23, 2022 Town Board Meeting, the Town Board authorized and directed Cedar Corporation to prepare a grant application for the Wisconsin Department of Natural Resources Knowles-Nelson Stewardship/Federal Land & Water Conservation Fund grant for the acquisition of land adjacent to the north of VFW Memorial Park. The purpose of the proposed land acquisition is for the expansion of VFW Memorial Park.

- *Grant application submittal deadline - May 2, 2022*
- *The subject property includes the remaining undeveloped lots of the Freedom Rings Subdivision (PIN 090-1398-00 through 090-1506-00, 090-1520-00 through 090-1532-00) and PIN 090-0376-02.*
- *Initial grant award announcements are anticipated to occur in late September/October 2022.*
- *If awarded, the grant may cover 50% of the subject property's assessed value.*

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad to approve Resolution #2022-03, a resolution to obtain a cost-share grant from the Department of Natural Resources State of Wisconsin for the Wisconsin DNR Stewardship/Land and Water Conservation Fund Grant (Federal Funds) Application for the expansion of VFW Memorial Park.

4 Yea 0 Nay Motion Carried: Yes Chairperson Charlie Kramer Opposed

Roll Call Vote:

Chairman Charles Kramer – Nay

Supervisor Brandon Conrad – Yea

Supervisor Margo Fox – Yea

Supervisor Jason Vandenberg – Yea

Supervisor Kevin Schuh - Yea

13. CONSIDERATION AND ACTION ON OPTION TO PURCHASE OF 34.46 +/- ACRES FOR EXPANSION OF VFW MEMORIAL PARK; PIN 090-1398-00 THROUGH 090-1506-00, 090-1520-00 THROUGH 090-1532-00 AND 090-0376-02

The Town's Capital Improvement can only support the assessed value of the property. Currently 50% of asking price is more than 50% of the assessed value. Attorney Steve Frassetto will negotiate with the property owners in order to come to a resolution.

A Special Town Meeting will be held on May 4, 2022 at 6:00 p.m.

14. CONSIDERATION AND ACTION ON OPERATOR LICENSES

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve operator licenses for the following: Kelly Witt, Jacob Letter, Misty House, Kay Skidmore pending police background checks.

5 Yea 0 Nay Motion Carried: Yes

15. PARK COMMITTEE/PLAN COMMISSION APPOINTMENTS

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad to re-appoint Ron Mashlan and Henry McKenna to another two-year term on the Plan Commission and Paul Hermes, Chad Beihoff, Pam LaPlant, and Amiee Feltz to a two-year term on the Park Committee.

5 Yea 0 Nay Motion Carried: Yes

16. BOARD REORGANIZATION

Road Committee – Charles Kramer and Kevin Schuh

Plan Commission – Brandon Conrad

Park Committee – Margo Fox

Town Hall – Jason Vandenberg

17. DEPARTMENT REPORTS –

Attorney - This month talked with Country Fields sub-division and developers' agreement, talked with Chad Reider regarding with Country Villa Way, agreement with School District., Fox Trust Property, Intergovernmental Agreement regarding drainage with other Municipalities. He will set up meeting with Outagamie County Drainage Board.

Cedar Corp - Everything was covered in the agenda

Fire Department – Fire Chief Mark Green said he just wanted to say there was a 7% increase as of February 1st, there is going to be another increase of 7% May 1st. Because the Town was willing to work with the Fire Department we saved \$140,000.00.

Highway Department – Rick Fuss said he put weight limits on and off, little bit of snow plowing and salting, looked at some culverts, trying to get parks up and running, received some bids for lawnmowers.

Motion by Supervisor Brandon Conrad with a second by Supervisor Kevin Schuh to purchase Gravely lawnmower that Rick would like to purchase is contingent on sale of Kubota.

4 Yea 0 Nay Motion Carried: Yes Chairperson Charlie Kramer Opposed

18. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve vouchers #32546-32594, direct deposits # 10560-10600, void check #32591 and TID #1 checks 146 & 147, excluding direct deposit 10582.

5 Yea / 0 Nay Motioned Carried: Yes Supervisor Jason Vandenberg abstained from approving TID #1 checks.

19. 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 Chairman Charles Kramer with second by Supervisor Brandon Conrad to move to close session at 8:52 p.m.

5 Yea / 0 Nay Motion Carried: Yes

Charles Kramer – Yea, Brandon Conrad – Yea, Kevin Schuh – Yea, Jason Vandenberg – Yea, Margo Fox - Yea

20. RETURN TO OPEN SESSION

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad to return to open session at 9:35 p.m.

5 Yea / 0 Nay Motion Carried: Yes

21. ANY ACTION AS A RESULT OF CLOSED SESSION

None

22. ADJOURN

***Motion made by Supervisor Brandon Conrad and a second by Supervisor Kevin Schuh to adjourn at 9:35 P.M.
5 Yea / 0 Nay Motion Carried: Yes***

Respectfully submitted,

Colleen M. Laha, Clerk/Treasurer

And

Jennifer Andersen, Deputy Clerk/Treasurer