

APPROVED 7/26/23
TOWN BOARD MEETING MINUTES
WEDNESDAY, MARCH 22, 2023
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: Chairperson Charles Kramer, Supervisor Kevin Schuh, Supervisor Jason Vandenberg, Supervisor Brandon Conrad and Supervisor Margo Fox.

Also present: Clerk/Treasurer Colleen Laha, Attorney Steve Frassetto, Diane Wessel Interim Administrator, Jeff Sanders, Community Planning & Consulting and Mike Brown Public Works Foreman.

Silent Invocation.

Pledge of Allegiance recited.

2. VERIFICATION OF POSTING/ADOPT AGENDA

Posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 21st of March 2023 at 5:00 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 Brandon Conrad with a second by Supervisor Kevin Schuh to approve the agenda as posted.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

3. CONSIDERATION OF MINUTES OF TOWN BOARD MEETINGS ON 1/12/2023, 2/27/2023, & 3/16/2023

Motion made by Supervisor Jason Vandenberg with a second by Supervisor Kevin Schuh to approve the minutes of 1/12/2023.

Vote: 4 Yea / 0 Nay Motion Carried: Yes Supervisor Brandon Conrad – Abstained

Motion made by Supervisor Brandon Conrad with a second by Supervisor Margo Fox to approve the minutes of 2/27/2023 Special Town Board Meeting.

Vote: 3 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer & Supervisor Kevin Schuh – Abstained

Motion made by Supervisor Brandon Conrad with a second by Supervisor Margo Fox to approve the minutes of 2/27/2023 Town Board Meeting with amending #5 that Supervisor Jason Vandenberg Abstained.

Vote: 3 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer & Supervisor Kevin Schuh – Abstained

Motion made by Supervisor Jason Vandenberg with a second by Supervisor Kevin Schuh to approve the minutes of 3/16/2023.

Vote: 4 Yea / 0 Nay Motion Carried: Yes Supervisor Brandon Conrad – Abstained

4. PUBLIC COMMENT SESSION (maximum 15 minutes total)

Kevin Stern is running for County Board and introduced himself.

5. DISCUSSION & POSSIBLE ACTION ON TOWN INSURANCE RENEWAL-DEAN HEMAUER (HEAD INSURANCE)

Dean Hemauer from Head Insurance went over the Town's Insurance policy and the renewal. The hail and wind deductible has increased from \$500.00 to \$1,000.00.

Motion made by Supervisor Brandon Conrad with a second by Supervisor Kevin Schuh to approve the renewal of the Town's liability insurance plan with Head Insurance at a cost of \$22,522.00 for the 2023-2024 season. Vote: 5 Yea / 0 Nay Motion Carried: Yes

6. REVIEW UNPS GRANT DRAFT AND DISCUSS BUDGET ALLOCATION

The Town of Freedom has experienced stormwater runoff and drainage issues. Interim Administrator Diane Wessel reported that the plan for the Urban Nonpoint Source & Storm Water Management Grant Program will cost \$11,500. If the grant is awarded to the Town of Freedom the DNR would pay 50% of that cost. That cost will need to be included in the 2024 Budget. The Town will be notified in November if awarded the grant.

7. REVIEW AND SIGN RESOLUTION FOR THE AUTHORIZED UNPS GRANT REPRESENTATIVE

Interim Diane Wessel explained that Resolution 2023-01 authorized the Public Works Foreman to serve as the Town's authorized representative pertaining to the application and administration of the Urban Non-point Source (UNPS) Planning Grant application.

Motion made by Supervisor Brandon Conrad with a second by Supervisor Jason Vandenberg to approve Resolution 2023-01 authorizing the Public Works Foreman to serve as the Town's authorized representative pertaining to the application and administration of the Urban Non-point Source (UNPS) Planning Grant Application.

Vote: 4 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer – Opposed

8. DISCUSSION & POSSIBLE ACTION ON LAWNMOWER

Mike Brown, Public Works Foreman provided information on replacing the 2014 Kabota lawn mower. Currently it will cost \$7,000.00 to repair.

Motion made by Supervisor Brandon Conrad with a second by Supervisor Jason Vandenberg to approve \$23,000.00 for a Kabota Diesel lawnmower from Service Motors to be taken from the Park Miscellaneous account - 55200.9

Vote: 4 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer – Opposed

9. DISCUSSION & POSSIBLE ACTION ON AMENDING THE SUBDIVISION ORDINANCE TO INCLUDE BUILDING ELEVATION INSPECTIONS

Attorney Steve Frassetto explained that Outagamie County does confirm elevations during and after construction so there is no need to amend the Town of Freedom Subdivision Ordinance to include building elevation inspections.

10. DISCUSSION & POSSIBLE ACTION ON ORDINANCE 23-03: RENAMING CHAPTER 22 ABD CREATING SECTION 22.1 TO CREATE A TOWN OF FREEDOM MUNICIPAL VEHICLE REGISTRATION FEE TO GENERATE REVENUE FOR ROAD REPAIR/RECONSTRUCTION (WHEEL TAX)

At the February Town Board Meeting, Diane Wessel, Interim Administrator, presented information on transportation infrastructure funding options. At that meeting, the board directed Wessel to draft an ordinance establishing a municipal vehicle registration fee.

Motion by Supervisor Brandon Conrad with second by Supervisor Margo Fox to adopt Ordinance 23-03: Renaming Chapter 22 ABD creating Section 22.1 to create a Town of Freedom municipal vehicle registration fee to generate revenue for road repair/reconstruction (Wheel Tax).

Vote: 2 Yea / 2 Nay Motion Failed Chairman Charles Kramer & Supervisor Kevin Schuh – Opposed Supervisor Jason Vandenberg - Abstained

11. DISCUSSION & POSSIBLE ACTION ON ORDINANCE 23-02: AMENDING CHAPTER 10 OF THE TOWN OF FREEDOM MUNICIPAL CODE OF ORDINANCES TO DEFINE PUBLIC NUISANCES TO INCLUDE TREES, SHRUBS, AND OTHER OBSTRUCTIONS TO THE TRAVELING PUBLIC
Motion by Supervisor Jason Vandenberg with second by Supervisor Margo Fox to adopt Ordinance 23-02: amending Chapter 10 of the Town of Freedom Municipal Code of Ordinances to define public nuisances to include trees, shrubs, and other obstructions to the traveling public.
Vote: 4 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer – Opposed

12. DISCUSSION & POSSIBLE ACTION ON ORDINANCE 23-03: CREATING SECTION 1.056 OF THE TOWN OF FREEDOM MUNICIPAL CODE OF ORDINANCES TO CREATE THE POSITION OF TOWN ADMINISTRATOR
Motion made by Supervisor Brandon Conrad with a second by Supervisor Margo Fox to adopt Ordinance 23-01: Creating Section 1.056 of the Town of Freedom Municipal Code of Ordinances to create the position of Town Administrator.
Vote: 4 Yea / 0 Nay Motion Carried: Yes Chairman Charles Kramer – Opposed

13. DISCUSSION & POSSIBLE ACTION ON ORDINANCE 23-04: REPEALING CHAPTER 14 OF THE TOWN OF FREEDOM MUNICIPAL CODE – LAW ENFORCEMENT
Motion made by Supervisor Brandon Conrad with a second by Supervisor Kevin Schuh to adopt Ordinance 23-04: Repealing Chapter 14 of the Town of Freedom Municipal Code – Law Enforcement.
Vote: 5 Yea / 0 Nay Motion Carried: Yes

14. DISCUSSION & POSSIBLE ACTION ON ORDINANCE 23-05: Ordinance 23-05 IS AMENDING CHAPTER 5 REGARDING HOURS OF WORK FOR CONSTRUCTION ACTIVITIES.
Motion made by Supervisor Brandon Conrad with a second by Supervisor Kevin Schuh to adopt Ordinance 23-05: Amending Chapter 5, Section 5.63(C) Regarding hours of work for construction activities to 7:00 a.m. – 8:00 p.m. (Quarry Time is different)
Vote: 3 Yea / 0 Nay Motion Carried: Yes
Chairman Charles Kramer & Supervisor Jason Vandenberg - Opposed

15. DISCUSSION & POSSIBLE ACTION ON SEASONAL POSITION DESCRIPTION AND PAY SCALE
Motion made by Supervisor Jason Vandenberg with a second by Supervisor Margo Fox to approve the Seasonal Parks Worker job description with the pay range: \$13 - \$16.00/hour (increase of \$1.00/hour from 2022.
Vote: 5 Yea / 0 Nay Motion Carried: Yes

16. PLAN COMMISSION REFERRALS
 - A. CONSIDERATION OF SPECIAL EXCEPTION PERMIT APPLICATION FOR ENDRES – TO CONSTRUCT A “2 FAMILY DUPLEX PLUS GARAGE” LOCATED AT W3364 CH S IN THE TOWN OF FREEDOM. PARCEL NO. 0900159-00
Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to recommend approval of special exception permit application for Endres – to construct a “2 family duplex plus garage” located at W3364 County Highway S near French Road in the Town of Freedom – Parcel 0900159-00 with the following 3 conditions:
 1. ***No uses other than the Special Exception identified in Section IV Zoning Ordinance of this report are permissible under the terms of the Special Exception Permit, excepting those uses ancillary and customarily incidental to the Special Exception.***

IV: Zoning Ordinance TPN-090015900 is 0.86 acres in size and is zoned AGD General Agricultural District Hereafter, AGD District. As per Section 54-130(2) of the Outagamie County Zoning Ordinance (hereafter, Zoning ordinance), 'Two-family dwellings, provided that the dimensional requirements of division 2 of article III of this chapter are met' is a Special Exception Use and Structure in the AGD District.

Section 54-103(3) of the zoning ordinance establishes the following Dimensional Requirements for two-family dwellings as a Special Exception in the AGD District:

AGD District Dimensional Requirements – Two-Family Dwelling as Special Exception [1]			
	Requirement	TPN-090015900	Compliant
Lot			
Minimum Area	1 ac.	0.86 ac.	No [2]
Minimum Width	150 ft.	150 ft.	Yes
Yard Depth			
Front yard	40 ft.	Approx. 60 ft.	Yes
Rear Yard	40 ft.	In excess of 150 ft.	Yes
<p>[1] Minimum lot area and yard requirements may be increased as a condition for a special exception permit. [2] Section 54-44(a) of the zoning ordinance reads as follows: 'In any district any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width</p>			
<p>or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership and provided all other requirements for the district are met.'</p>			

The proposed Special Exception is **compliant** with Section 54-103(3) of the zoning ordinance.

2. **Any substantive change in the use of TPN – 090015900 shall require an amendment to the authorized Special Exception Permit.**
3. **The Special Exception Permit shall be valid so long as the Special Exception is maintained compliant with the zoning ordinance.**

Vote: 5 Yea / 0 Nay Motion Carried: Yes

17. DEPARTMENT REPORTS –

- a. ADMINISTRATOR REPORT – **Interim Administrator Diane Wessel stated that the Village of Wrightstown is giving a letter of support for STP Grant/Stormwater Grant**
- b. PLANNER REPORT – **Jeff Sanders reported that Outagamie County is in process of zoning ordinances.**
- c. PARK REPORT – **Margo Fox noted we still have drainage issues at the park. At the April Park meeting they will discuss the trail between the schools.**
- d. FIRE DEPARTMENT REPORT – **Mark Green informed the Board that the Fire Department is filling out a grant for the Brush Truck.**
- e. FIRST RESPONDER REPORT – **EMS department took part in the Ice Rescue training that Fire planned. EMS hosted the EMS Association meeting in March. Attended training on Feb 20, 2023 with Gold Cross Liaison to carry Narcan, Aspirin, Glucagon, and Oral Glucose. Paperwork completion is in progress for finalizing the ability to carry these items. EMS protocols have been rewritten. EMS department has purchased some new stethoscopes and blood pressure cuffs with some of the grant money.**
- f. HIGHWAY DEPARTMENT REPORT – **Interim Highway Director Shawn is continuing work on a safety manual, standard operating procedures, and policies. The Public Works Laborer position has been filled by Jason Angry. MSA Staff and Town Staff are working on road bids. The plan is to resurface Hooyman Ct, Bonnie St, Golden Glow Rd, Misty Meadow Rd, & McHugh Rd. They are also working on an STP Grant to resurface 2023 roads. Quote for \$8045.50 received to replace 2 of the 3 light poles in Citizen’s Park. A 3rd pole will be separately invoiced to the party responsible for the damage. Shawn will double check the height and sizes before ordering as the poles are non-returnable.**

g. ATTORNEY REPORT -

1. Van Lanen Pay-Go Agreement
2. Engineer/Building Ordinance
3. TID Reconciliation _ Chad & Mark Properties, LLC
4. TID Bond _ Fox Cities Development, LLC
5. Cermele & Matthews Claim
6. Kramer Complaint

18. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve vouchers #33075-33118, E-Pay #10773-10785, 20 EFT and TID #1 check 166.

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

19. ACTION TO REMOVE ELECTIVE TOWN OFFICER PURSUANT TO SECTION 17.13(2M) WIS. STATS. REGARDING CHAIRMAN CHARLES KRAMER

The Town Board discussed that the Town Chairman did not adhere to what was decided October 13 with Resolution 2022-06 and Censure Resolution.

Motion by Supervisor Margo Fox with second by Supervisor Jason Vandenberg to remove Chairman Charles Kramer from office effective at 9:15 p.m. on March 22, 2023.

4 Yea / 1 Nay Motioned Carried: Yes Chairman Charles Kramer - Opposed

Motion by Supervisor Jason Vandenberg with second by Supervisor Margo Fox to appoint Supervisor Brandon Conrad as Town Chairperson to fill the remainder of the term of Town Chairman Charles Kramer.

3 Yea / 0 Nay Motioned Carried: Yes Chairman Charles Kramer & Supervisor Brandon Conrad - Abstained

20. IDENTIFY FUTURE AGENDA ITEMS

Policies

Debt Policy

Alternate Signatory

Fire Truck Bond

21. ADJOURN

Motion made by Supervisor Brandon Conrad and a second by Supervisor Kevin Schuh to adjourn at 9:11 P.M.

5 Yea / 0 Nay Motion Carried: Yes

Respectfully submitted,

Jennifer Andersen, Clerk/Treasurer