

Town Board Meeting October 10th, 2005

Steven Parent called the Town Board meeting to order at 6:45 PM in the meeting room at the town hall. Present Steven Parent, James Parent, Barbara Anschutz, Robert Schultz, Jane Pluff, Lois Pluff and 15 visitors. Peter Jacobs was absent.

Clerk verified posting. Motion made/second Barbara/Bob to accept the agenda. Carried.

Open Bids for Recreational Park bathrooms and Possibility of awarding the bid- Barbara excused her self and left the room. Schelfhout and Declene Masonry, Kaukauna, for the building. For \$8917.52 just for masonry. Nebel Construction, Sturgeon Bay, for complete building \$107,580.00 if we want hand dryers add \$999.00. Zeise Construction, Green Bay, \$122,448.00. Milbach construction, Appleton, \$92860.00, Alternates 2 dryers \$900.00, 2 wall heaters \$500.00, Winter protection \$\$1751.00 Toilet partitions and Urinal screen \$320.00, General partitions series 40 floor mounted baked enamel standard color toilet partitions & urinal screen in lieu of comtec 5200/0400 series. Deduct \$1642.00, Exterior walls Sherwin Williams paint \$470.00. For mound system Harbor Construction \$31,061.00, Nebel Construction \$35,700.00. The apparent low bidders would be Harbor Construction for the mound system, Zeise Construction for Appleton.

The prices were more than what the town board was planning on. In the past they were coming in from \$50,000.00 to \$75,000.00. Jim feels that for \$100,000.00 we could spend \$150,000.00 and get a whole new building. Steve asked Bob about the bathrooms the county puts up. Bob said about \$35,000.00. Jim feels when we start knocking off the donations it won't be that much. A lot of the labor was planning to be donated. One of the contractors that were going to do it was going to put a cut on their bill. Bob said maybe we would have to see if a club will take it over and than we could have anyone we want without bidding it out. Steve explained what the lawyer had stated, have them summit a bid, and than they work with the subs to get donations. By them building it for us we don't have to get bids, Jim question if they would have to have owner ship first. Jim wants to revisit it more. Steve said they were thinking of starting in spring and still be done by May 12th deadline. We do have time to review and think about it. We are going to table it for now and check out some other options. Steve will contact the bidders tomorrow and let them know what we are doing. Barb returned to the meeting.

Accept minutes- Motion made/second Bob/Barb to accept the minutes. Carried.

Accept treasure report- Motion made/second Barb/Bob to accept the report. Carried.

Citizen input- Mary Ann Johnson stated the historical dinner went well, with 61 people present. There is another meeting coming up on cheese factories.

Mike Walker update on assessment- Mike handed out a list of people who did not have permits for their improvements. He also gave some additional hand outs on zoning information. On the list of people he doesn't know how the County is handling Impervious surface ratio, which means a % can be covered in driveways, buildings etc. The town board wrote a letter to Mike in 1989 that they wanted it on record if he came across any violations in our township on zoning permits please turn them over to the County Zoning office, plus to give us a list once or twice a year. He has the down town area to do yet and along Frogtown road. He should be done by this next month. There are some people who are on the list that may have a problem and to the best of knowledge there is not any kind of list that is being kept at the zoning office. He did ask for a list of non-conforming uses and structures and they don't have one. Sometimes he doesn't know what the County wants a permit for. At this time he has 166 properties totaling 225 violations, some of them might not be violations. He does have home additions, garage additions, and decks, garden shed. He talked about a propane tank that has been recently installed at PCI. He thinks he needs to get the permits down for the small things. \$100.00 for a small shed is way too much. Jim asked about the 6" or less on landscaping, is that still in effect. He has a letter from Bob Florence about the 6" rule. This would consider no permit unless it is below the high water mark than the DNR takes over. When he said something at the Planning Dept in Sturgeon Bay he was told there wasn't that many.

Sewer/Fire Dept report – Don- Complete report included in the minute book.

Discuss wording on constable duties- Barb gave an update on the issues she has looked into. She talked with Dennis Hanson who does the training in Madison. The following is what he came back with. "There should be a clear understanding between law enforcement agencies and their personnel about the precise nature of the authority and responsibility of those personnel. Special deputies or reserve personnel are not required to meet Law Enforcement Standards Board employment or recruit training requirements if they have been deputized or employed for a particular act, for an emergency or if the deputization or employment is intended to be honorary. In addition, auxiliary personnel are not required to meet the Board's training standards if their authority and responsibility are similar to the following."

- 1-Not to make custodial arrest, not to use force except in self-defense, or necessary defense of others or to prevent persons from harming themselves.
- 2-They are not authorized to carry offensive weapons, or to use lethal force.
- 3-They are directed to obtain arrest or search warrants through lawful channels to search persons or property.
- 4-They patrol areas of concern (water/snow-mobile trails) to investigate or ask questions relating to use, ownership and registration of boats or snowmobiles.
- 5-They report complaints and issue citations to offenders.
- 6-They render emergency assistance
- 7-They are under law enforcement supervision in that reports are made to law enforcement units.

Special deputies or reserve officers must meet the Board's employment and training standards if they are employed with the following authority and responsibility:

- 1-They have arrest powers and have the privilege of using necessary force to effect arrests
- 2-They carry offensive or defensive weapons
- 3-They are authorized to search persons or property if probable cause exists to support the search
- 4-They may seize and confiscate contraband in plain view
- 5-They may exercise power to detain for purposes authorized by s. 968.24 and 968.25 Stats. (stop and frisk).

If a department intends to supplement its regular force on a recurring basis with personnel empowered with the authority of 1-5 above, the personnel meet the definition of a law enforcement officer and must meet the Board's employment and training standards.

The defining assignments of who is and who is not an officer apply to the town board's determination of assignments for the constables. Items 1-7 amount to work that may be performed by employees who are not law enforcement officers. Items 1-5 define the work of law enforcement officers.

If the town board assigns its constables to perform work that includes items 1-5, the Law enforcement standards board will conclude the constables qualify for training and certifications (not including the constable who is already certified.)

A constable is not an independent law enforcement officer. He or she performs work that is assigned by the town board. Per s 60.35 and 60.22(4) Wis Statutes. He recommends working with our attorney for writing the ordinances.

To qualify for certification by the Standards Board they would need 520 hours. Mark is already certified and Eric would need the training to carry the gun. He would like to go and stated his GI military schooling would pay for the course but he would like to have the town reimburse him for the hours spent which would be \$10400.00.

Clerk received an answer from the insurance company and if a constable is not trained they should not carry and guns or batons. An answer came back from the WI. Towns on rules and regulations for constables. We can have two sets of rules, one for trained officers and one non-trained. The rules can be changed during the term of office. It was decided to have a meeting on November 8th, at 6:00 PM for ordinances. We will work on the speed limit, boat parking, constable ordinance. Steve will call Mark up an update on the issue. Barb will also discuss more on the schooling. Jim question about the Peace Office including constables. Towns Assoc said constables were dropped from Peach Officers around 1986, Rick, worked on this issue with the State at that time.

Barb went thru Jacksonport's ordinance and information that we send down to the attorney a couple of years ago. There were nine things that she came up with. This could be some type of a start for us to work off.

Appoint alternate for Plan Commission- Carol Schmitz cannot be the alternate, which she was appointed last month. Peter Thelen was appointed by Steve to be the alternate.

Set date for working on 2006 budget- The meeting is set for October 25th at 7:00 PM. after the Harbor meeting.

Adopt resolution for sewer rate increase starting January 1, 2006. The rates will increase for residential 6% and commercial 6.5% in all groups. The EHU charge will also increase the 6%, which will make it \$1800.00 per unit. Motion made/second Jim/Barb to increase the rates for the sewer use effected January 1st 2006. A notice will be placed in with their taxes. Carried.

Committee reports- There has been several phone calls on the speed limit on Pine Drive, which is set for 45 miles per hour. That is the lowest it can go by DOT standards. That is still too fast to make the curves. Our ordinance states 45 miles per hour. We could just put up caution signs at 25 or 30 miles per hour, and have Jeff take down the 45 miles per hour.

Update on soccer field Bob- All the machine use has been donated, however with the gas prices going up there will be some charge for fuel for the trucks at the end. There has been over a 1033 yards of fill hauled in as of today. We received a new loader for use from Caterpillar out of Green Bay for free. Many people have donated their trucks, Barnowsky, Reinhardt, Parent, Harbor, Peil, and Jarman. There will be some money involved. There was a bill for the sand that is being mixed in but the trucking was free.

Barb – nothing. Jim – Harbor Nothing.

Payment of bills- The Jarman bill will be held until Bob can talk with Mike, Bob will let clerk know when to mail out bill. Motion made/second Barb/Bob to approve all bills and transfers with in the budget. Carried.

Motion made/second Steve/Jim to adjourn at 8:30 PM. Carried.

Town clerk, Jane Pluff