

MINUTES OF THE TOWN OF HULL BOARD
MEETING HELD ON MONDAY FEBRUARY 8, 2010

- 01) Call to order by Chairperson John Holdridge at 4:30 p.m. at the Town Municipal Building, 4550 Wojcik Memorial Dr., Stevens Point WI 54482.

Present: Chairperson Holdridge, Supervisors Melvin Bembenek, David Pederson and David Wilz.

Excused from the meeting Supervisor Robert Brilowski.

- 02) Pledge of Allegiance

- 03) Minutes December 29, 2009, January 4 and January 25, 2010 meetings

Clerk Wolle, the minutes of the January 25, 2010 meeting are not complete.

Moved by Supervisor Wilz, second Supervisor Bembenek approve the minutes of the December 29, 2009 and January 1, 2010 meetings.

Motion carried.

- 04) Vouchers

D Wilz – page 1 Batteries Plus

Chief Kluck, these are batteries for Engine 43 uses 6 regular car batteries. The batteries were tested and 5 were bad.

J Holdridge – Clifton Gunderson, are they repairing the printer? Replace defective printer.

J Wolle – a printer we had was replaced, however we have learned since then the replacement printer does not have the driver necessary for Windows 7 that we have– this driver is not yet out for the HP. It has taken much longer than we anticipated.

J Holdridge, but they (Clifton Gunderson) does that.

D Wilz, Custom, Fab and Body rack.

Mark Kluck, that is a rack that holds a dump tank, this is on vehicle #43.

J Holdridge, Norman Klitzman what is that about?

J Wolle, that is for the parcel we have leased from Klitzman's, we are responsible for the property taxes. They pay and we reimburse them.

J Holdridge, Jim I have you for gloves, paints, vacuum bags.

Jim Kruziki, that was all paid for out of Petty cash for the Fire Department

D Pederson, building inspection refunds, what are those about?

J Wolle, an additional \$100 is added to the building permit fees. This is part of the Phil's contract. When someone calls for an inspection, Phil goes out to complete the inspection and all if fine the owner/building will receive a refund of \$100.

D Pederson page 4 is blank, it is missing!

D Wilz, page 5 the RCO Computers, I know about the notebook but the maintenance.

M Kluck, it is annual computer maintenance that the computer person does for the Fire Department.

D Wilz, is this \$175 every 2 months? I'm looking at the invoice that says bi-monthly maintenance – 6 quantity sold at \$175 for \$1,050. Does he come in every other month and bill you for \$175 for that service?

M Kluck, no it is one annual fee and he is on a schedule so we do not have to call him. He updates the computers and cleans them.

D Wilz, he does this 6 times a year? I'm wondering why he invoiced us that way. It looks like he is selling us 6 of something at \$175. That was my question, does he visit you 6 times a year or is he there monthly?

M Kluck, he comes in their 6 times a year.

D Pederson, I remember when this came up a month or so ago, the purchase of a notebook, we asked you to check a couple other suppliers, what did you find?

M Kluck, you asked me to contact Janet with the information and RCO was still the cheapest for the services provided.

D Pederson, on the mats and wipers, Barb had given us something a month or two ago regarding a different supplier that is a little less expensive. Did anyone pursue that?

J Wolle, there were some adjustments made on some of the billings. Beyond that you would have to talk with Barb.

Motion Supervisor Pederson, Second Supervisor Bembenek, approve vouchers.

Motion carried.

- 05) Citizens wishing to address the board non-agenda items. Agenda items are for discussion with possible action.

No citizen(s) present regarding non-agenda items.

- 06) Announcements – Chairperson and Supervisors

- Finance Committee meeting February 23 (Tuesday) at 12:30
- Board meeting to talk about functions and goals – February 25 (Thursday) at 4:30 p.m.
- I-39 Plan commission Public Hearing March 23 at SPASH
- Chairperson Holdridge and Clerk Wolle to talk with Attorney Konkol February 11 at 10:30 a.m. Will discuss Public Hearing requirements.
- Amy Sue Vruwink to hold her Town Meeting on April 12, 1020 between 2:30 and 3:30 p.m. in the Town of Hull
- John Brzezinski talked with Chairperson Holdridge regarding an oak tree along Torun Road that was cut by the road crew. John explained the road vegetation policy to Mr. Brzezinski then understanding the reason for the tree being cut.

- Fred Hoffmann questioned if trees along Old Wausau Road, by Larry Fritsch Cards, had been cut as they are marked.
- Pete Kaminski has talked with Jeff Fritsch and the trees will be cut.

Supervisor Pederson, regarding the ordinance updates we receive from Portage County Planning and Zoning Department, is that something that comes out of the county Legislative Committee to get ideas for those? I wonder the rational for some of them are. I will email Chris Mrdutt.

Chairperson Holdridge, I think they come from staff to the Planning and Zoning Committee. The Planning and Zoning Committee then adopts a draft, which is then sent out to the towns to get reactions.

Chairperson Holdridge:

- Mike Splinter will conduct an information meeting regarding the proposed court house on March 10. Mike is running for the County Supervisor District 26. Incumbent Robert Brilowski is not seeking re-election.
- Emails are open record. They are not excluded from the open record law.
- In-service for Planning Commission members went well, feel there will be additional workshops in the future.
- Article picked up when in Arizona: "For the first time most members of unions work for government." The old notion of the industrial unions is slowly going down and government employees are going up.
- The in-service for planners, received good reports on it. It was extremely well attended.
- Consolidated Power and Water has paid \$7,222.38 to the Town of Hull for maintenance on Walkush Road
- Correspondence received from Mike O'Meara of Wisconsin Department of Transportation regarding the reopening of Highway 10 by-pass around the Amherst area.

07) Public Information Meeting – Stevens Point New Well
Plover Heights Subdivision – Recap and Reaction – What Next? – Hull Town Board

Chairperson Holdridge, please representatives of City of Stevens Point attended the informational meeting and responded to questions. A lot of information was presented.

- Talked with some of the citizens in the Plover Heights area and generally they were pleased that the city came out and that they responded.
- Where do we go from here in terms of water issues?
- How does the city implement what they proposed? Gene Kemmeter did a good job in the article recapping the meeting.
- Mayor Halvorson's statement at the end of the meeting that the big problem we all will face is nitrates. My view is that is the problem and maybe that is what we need to take on.
- We need to figure out how the city gets good water and how we get good water.
- The city has to have their wells inspected. Private wells do not have to be inspected.
- Some reaction that they (city) also look north of Highway 66. The problem is broader than what the city is saying.
- How do you ensure dialogue
- Citizens wonder how they organize. Probably the way they organize is that their government helps them more.
 - o The town has done this in the Kirschling Subdivision area
 - o Have done this in the Home Depot issue
 - o Also have done on North Second Drive
 - o In some cases the town has provided legal assistance and some engineering occasionally
- Identify some of the 20 households in Plover Heights Subdivision and recap what was said that night. We have the article, handouts and the overheads were good.
- The meeting opened the question of how deep is your well. A couple of the citizens indicated they are getting their water checked.

Supervisor Pederson, the meeting raised a lot of questions.

J Holdridge, if you hang your hat on the legal decision that says in fact that if a municipality damages your water, they have to be responsible. Possibly long term legislative addressing the actual law is what to do.

D Pederson that was case law. The issue of draw down was not clearly answered. For homeowners to check the draw down on their wells they would have to open up, uncapped and measure the height of the water periodically through the year and determine whether the pumping was pulling it down.

Supervisor Wilz, George Kraft of UWSP suggested monitoring wells and watching modeling.

City of Stevens Point will pay for tests before and after the new well begins operating.

J Holdridge, we should get folks together; have an Ad Hoc Committee.

Cathy Dugan resident of the City of Stevens Point was present:

- The city needs to pay attention to treatment rather than expansion
- Mrs. Halverson, Director of Stevens Point Water Department, has indicated a need for expansion.

C Dugan, this is due to city wanting to encourage business in the industrial park.

Following discussion moved by Supervisor Wilz, second Supervisor Pederson, explore by creation of Steering Committee/Ad Hoc Committee.

Motion carried.

08) Public Nuisance complaint JoAnn and Paul Hagen, 1448 Larry's Drive – John Holdridge

The town has received complaints from the Hagen's relating to an outdoor wood burner in the area, leaving smoke in their yard.

- The town's problem is no means to check air quality
- The county says it's the DNR's responsibility
- The town's Nuisance Ordinance states "before authorizing legal action against the person responsible for a public nuisance, the Hull Board of Supervisors will evaluate the cost and risk/reward of such action. Whenever possible such legal cost shall be levied against the property owner responsible for the nuisance.
- The following items 5 & 6 of the ordinance clearly apply
 - o The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property.

- No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others,.
- Section 7 of the Ordinance includes steps for enforcement:
Section VII Enforcement Procedures
 Depending upon the nature of the incident and the response of the property owners the typical enforcement action will follow a progressive approach to correct the violation.
 - a) Personal contact (on-site visit, phone call)
 - b) Formal letter or notice
 - c) Contact by Hull attorney
 - d) Order by the Town Board
 - e) Order by the circuit court
 All procedures will follow Wisconsin Statutes.

- Section 8 Costs of Abatement: In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under sec. 66.0627, Wis. Stats., unless paid earlier.
- Will follow-up with Joanne Hagen. Are there others? How do we test the air?

Fred Hoffman, Hull resident and fire fighter, there are not problems with outdoor wood burners as long as clean dry paper and wood are only items burned.

There is an EPA contact in Wausau, get the name from Mark Kluck.

J Holdridge, need to do fact research.

D Pederson, collection the research before action is taken by the board.

Fred Hoffman, there is nothing wrong with the wood stack.

Motion Supervisor Bembenek, second Supervisor Pederson, pursues the research and brings back to board. How do we get the air quality checked and what is the cost?

Motion carried.

- 09) Contract approving Todd Grunwaldt as architect for town building project – Dave Pederson and Mel Bembenek

Motion Supervisor Pederson, second Supervisor Bembenek, move items 9 & 10 to later in the meeting, when Mr. Grunwaldt arrives.

Motion carried.

- 10) Building Site Survey – Dave Pederson and Mel Bembenek

Reference above motion.

- 11) Proposal for repair of lighting at Fire Station

Mark Kluck:

- Last October had light bulbs and ballasts replaced
- VanErt Electric donated equipment and time
- Feel changing of ballasts requires a certified electrician

Supervisor Pederson, I followed up with Hull's insurance agent who checked with the front office. The town road crew does multiple tasks that is not a problem.

Chairperson Holdridge has talked with Len Kawleski of Rural Insurance. They do not have a problem with the road crew changing the ballasts.

Mark Kluck, the equipment with pricing coming thru VanErt Electric.

Motion Supervisor Pederson, second Supervisor Bembenek, have Hull road crew do work at fire station on the ballasts and lights.

Supervisor Wilz, need to get the costs of the equipment.

Motion carried.

12) Horses crossing 'The Pipe' causeway

Chairperson Holdridge:

- Have talked with Tom Witt of Consolidated Water and Power, he is concerned about horses crossing the causeway
- Feel there is a need for an application and conditions

Fred Hoffman:

- Where is the horse or horses kept?
- A 'Dude' ranch is setting up trails for horse riding
- Is this a commercial thing or a private person wanting to ride a horse

Supervisor Pederson, people do haul horses in and ride. Find a way to allow horse riding, establish public's right to use.

Motion Supervisor Pederson, second Supervisor Bembenek, table action.

Motion carried.

13) Proposal for Town of Hull website – Jim Kruziki

Jim Kruziki looked in to other domain names. The current domain name is awkward however it is at no cost. Others are available at the cost of about \$30 a year.

Supervisor Pederson, the information provided by Jim looks inclusive. The Pipe Committee hasn't established a permit process.

Chairperson Holdridge, Barbara Brilowski needs to be listed as Town Secretary not Deputy Clerk.

Meeting minutes will be on the web-site once approved. Unofficial (not approved) could be up within a short time.

J Kruziki will proceed with:

- 1) FiberNet who will host the web-site
- 2) Get site developed
- 3) Go-Daddy creates sites at \$12.00 a month

Town's newsletter can be received by email once the web-site is up.

Need to contract with someone to develop site also storage needs to be provided on server.

Town of Plover does updates in-house.

Motion Supervisor Pederson, second Supervisor Bembenek, postpone action to March 1 board meeting.

Motion carried.

14) Proposal for Town Audit

Chairperson Holdridge:

- Putting together narrative
- Request letter of intent rather than waiting
- Will ask if interested in submitting bid
- Audit will include: expense, revenue debt service, inventory control, reserve account and cash flow
- Get model to get good feel on future tax rate

Motion Supervisor Wilz, second Supervisor Pederson, postpone action to February 23 Finance Committee meeting.

Motion carried.

15) Acceptance as a town road Golden Eagle Court

Peter Kaminski, Town of Hull Road Foreman recommends approving Golden Eagle Court as a town road.

Motion Supervisor Bembenek, second Supervisor Pederson, receive the recommendation of Pete Kaminski to accept Golden Eagle Court.

Motion carried.

16) Probationary status and Union contract

Chairperson Holdridge, the union contract states: 'all new employees must serve a probationary period of one hundred twenty (120) calendar days before being entitled to regular employee status.' Relating to Fringe Benefits, during the probationary period, the employee will not be entitled to sick leave with pay.'

- The board should accept Bill Omernik as NOT a new employee as he has worked on a temporary full-time employee from October 1, 2009 to December 31, 2009.

Motion Supervisor Bembenek, second Supervisor Pederson, not to accept Bill Omernik as a new employee, therefore excluding him the probationary period of 120 days, this is for Bill Omernik only.

Motion carried.

17) FD purchase of 2 each 5 high file cabinets w/locks

Mark Kluck, the requested 5 high file cabinets have been budgeted. He will work with Barb to get the best price.

Supervisor Pederson, possibly Hull should work thru UWSP and get used.

Moved by Supervisor Bembenek, second by Supervisor Pederson, approve the purchase of 2 each 5 high file cabinets w/locks for the Fire Department.

Motion carried.

Contract approving Todd Grunwaldt as architect for town building project – item 9 Building Site Survey – item 10

Supervisor Pederson has invited Todd to the meeting to help answer any questions the board might have about the contract he has presented to us.

Supervisor Wilz, are we being asked to approve the contract tonight?

Supervisor Pederson, if you feel you can or if there are enough questions that need to mean the contract needs to be reworked.

D Wilz, suggest Hull's legal people look at the contract to make certain both sides are protected. This looks like a standard boiler plate type of a document.

- Understand possibly the reason for moving in this direction, because we have the project and we have to get some things done so that we can get costs, etc but the contract appears to be the entirety in scope of the project. Why would we approve a contract when we are still trying to get information to see what the project would cost and what the public thinks about the project? Do we need to do all of this or maybe just part of it?

Todd Grunwaldt, this is boiler plate contract for the most part and it breaks it up into 5 phases, Schematic Design Phase; Design Development Phase; Construction Documents Phase; Bidding or Negotiation Phase and the Construction Phase. For the first part working toward the potential September referendum and we would only be billing against the Schematic Design Phase, however only as much as you authorize me to do. Example, in the contract there is a site survey and the civil engineering. We need to go ahead with the site survey which is needed plus because we are looking at alternative energy things my HBC engineer has monies in for a geo-thermo system to be evaluated to see if it is feasible, cost effective. We will look at solar power, so we may be looking at some local people but also my electrical engineer. The geo-thermo would also incorporate hydronic system. We need some of that information to help us come up with in the design to formulate the cost. Normally I would not be bringing in the engineers at this level, but in this case we need that information up front. In that I would be assisting you with any of the materials, presentations, meetings, open houses, whatever we end up wanting to do to try to get the project approved.

J Holdridge, the question to me is, is this a chicken or an egg sort of thing. We are making some potential big time commitments and we don't know if the public is even going to support it. We certainly need some data, drawing, etc to get people to understand but we have to be awfully careful so we don't commit large amounts of money and discover the public does not support this and we are dead in the water. There is a real tension between the design, and getting that clarified and getting a good cost estimate and special arrangements and all the

rest and then saying to our public here is what we want you to support, here is our cost, here is what we feel and we are going to incorporate energy savings, etc. When this is done there is a real comfort level. I saw the phases in the corporate and the cost of \$116,000. If the board commits to \$116,000 and our budget is 1.7 million and all of a sudden there is an uproar out there, what are you guys committing to a building when you do not have public support for it.

T Grunwaldt, you are committing to it and you are not committing to it. If your legal counsel were to review it you would see I would only be performing as much as you authorize. It is a standard contract. I thought that was the way we were leaning was in to a contract. I could amend the contract or modify the last page to limit the services at this time to a level that we agree upon. Limit to that point until I receive written notice to proceed.

J Holdridge, I think the notice to proceed would probably be public voting to support. There is \$10,000 in the 2010 budget, maybe that isn't enough.

D Wilz I'm sure the language in here is fine but if we go through with this project I think being the entire fee is \$120,000 that we should pay an attorney look at a contract worth that amount.

T Grunwaldt it is not uncommon to have legal review a contract.

J Holdridge do you have any ballpark figures for the project?

D Pederson about 1.8 or 1.9 million, something like that. I think there are some decisions yet to be made whether we roll the maintenance needed on the F.D. building into this project or do we leave it separate. This being a formal contract, your (Todd Grunwaldt) were acting as our owner representative before. The contract casts you in a whole different way. Rather than being there for us there are us and you and them. I want to understand that relationship

Fred Hoffman, are you looking at an advisory or binding referendum?

Board members, we don't know, we are not there yet.

Dale Bembenek, how much money has the town spent into this project to date?

J Holdridge in 2009 we spent \$5,000.

D Pederson yes the \$5,000 plus about \$3,805 at this point (\$8,805).

D Bembenek you have another \$10,000 you will stick in it for 2010?

J Holdridge, we have a budget figure of \$10,000 for 2010.

D Bembenek, the contract being discussed is for one hundred and some thousand?

D Wilz, the one hundred twenty thousand is for the scope of the entire project if the project went through.

D Pederson that is based on a fee certain rather than a fixed fee.

T Grunwaldt, the site survey, the civil engineering, alternative engineering and your standard services, design, bidding, construction administration, everything from beginning to end.

J Holdridge you have to have a design so people understand what you are talking about but you don't want to go so far that you are spending big money and you are committed to something until the citizens either votes it up or down. It's hard to talk with citizens about the building unless you have a design, you can show energy efficiencies, and any other funding sources you might have.

T Grunwaldt a good question to ask legal counsel is how much are you committed in this because there are a lot of outs in it. Before you go from one phase to the next there is language that says 'upon approval by the owner' you continue to the next phase.

D Wilz, do you feel you want to alter the contract at all?

T Grunwaldt, I certainly can as previously stated to limit services to either a dollar amount or within that first phase, I don't believe we would be taking even half of the first phase (20%). We haven't gone into real detail. We are working on the Building Committee to work out a schedule and deadlines. We did want to get the site survey done. I have three prices on that. I combined the site survey and

also asked them to put a civil engineering portion of it for the future work. Depending which one you look at you might be paying more for the site survey and less for the engineering or vice versa. The lowest one reviewed with Dave Pederson is from Gremmer and Associates.

J Holdridge, we should let legal opinion and sit down and talk with Todd.

Moved by Supervisor Pederson, second Supervisor Wilz, approve the site survey with Gremmer and Associates at a cost of \$1,700.

Motion carried.

Motion Supervisor Pederson, second Supervisor Wilz, authorize Attorney Jerry O'Brien to review the architectural contract.

Motion carried.

18) Reports – NO Reports

- a. Supervisors
- b. Treasurer
- c. Road Foreman
- d. Fire Chief
- e. EMS

19) Adjournment: Motion Supervisor Pederson, second Supervisor Bembenek, adjourn the meeting. Motion carried. Meeting adjourned at 6 p.m.

Janet Wolle, Clerk