



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 15, 2011 AT 7:00 P.M.
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) **CALL MEETING TO ORDER:** McAndrews called the meeting to order at 7:00 p.m.
- 2) **PLEDGE OF ALLEGIANCE:** Pledge recited.
- 3) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – McAndrews, O'Neill, Lynch, Mani and Starszak. Town officials present – Administrator/Clerk Gorall, Treasurer Diedrich, EMS Chief Van Schyndel and Fire Chief Grones. Other members of the public and public safety personnel were also in attendance.
- 4) **PUBLIC FORUM**
Issues brought before the Board for which no decision shall be made and is not already on the agenda: McAndrews called for comments. No comments.
- 5) **APPLICATION FOR CLASS "B" BEER AND RESERVE "CLASS B" LIQUOR COMBINATION LICENSE, MARCUS APPLETON EAST CINEMAS, W3091 VAN ROY ROAD, APPLICANT DOUGLAS NEIS** – For Approval/Denial: McAndrews provided a review of a memorandum provided to the Board on the application. Jeff Tomachek, Senior Vice President from Marcus Theatres Corporation, was present and provided further review of their request for a license and changes to the theatre. Motion by Mani/Starszak to approve the application for a liquor license with a premises description for the bar area only. The Board further reviewed and discussed the requested license and the restriction to the bar area. Mr. Tomachek provided a further review on a restricted license. Motion amended by Mani/Starszak to also include the west wing of the theatre in the premises description. Motion carried 5 to 0.
- 6) **CONSENT AGENDA**
All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.
 - a) Approval of Minutes of October 18, 2011 Town Board Meeting
 - b) Approval of Closed Session Minutes of August 16, 2011 Town Board Meeting
 - c) Approval of October Treasurer Report & Approve Bills
 - d) Approval of Operator's License Applications, With No Applicable Violations Per Town PolicyMotion by Mani/Lynch to approve all items in the consent agenda as presented. Motion carried 5 to 0.
- 7) **TOWN DEPUTIES**, Buchanan Sheriff's Deputy
 - a) Update on Town Law Enforcement Activities – For Discussion Only: Deputy Burke provided a review of recent activities and calls noting that bar checks have increased and that Southard will be leaving on military duty on November 18th. Gorall noted that a review of the nuisance abatement ordinance is in progress for a business.
 - b) Ordinance 2011-07, Carrying Firearms and Concealed Weapons in Town Buildings – For Approval/Denial: Motion by Mani/Lynch to approve ordinance 2011-07. Motion carried 5 to 0.
- 8) **EMS/EMERGENCY MANAGEMENT**, Chief Van Schyndel
 - a) Update/Monthly Report on EMS/Emergency Management Activities and Grant Applications – For Discussion Only: Van Schyndel provided a review of the monthly report submitted to the Board.
- 9) **FIRE & RESCUE**, Chief Grones
 - a) Update/Monthly Report on Fire & Rescue Activities – For Discussion Only: Grones provided a review of the monthly report submitted to the Board.
 - b) EMS/Firefighter Years of Service Recognition: Scott Lockhart (15 years): The Board recognized Lockhart for his years of service and provided a certificate, service years pin and gift card. Both Chiefs and the Board thanked him for his years of service to the Town.

10) PUBLIC WORKS/TOWN ENGINEER, Thad Majkowski, Cedar Corporation

- a) Allison Drive Project Update, Project Budget & Original Installation Review – For Discussion Only: Gorall provided a review of the memorandum provided to the Board. Majkowski noted that the project is complete and has been closed out. The Board asked further questions of the Engineer. Majkowski noted that final costs still need to be submitted to the Town. The Board further expressed concerns on the failure, materials used and general warranty on the original installation. The Board requested to have Highway Commission Al Geurts attend a future Town Board meeting to discuss further.
- b) Final Review of Comprehensive Drainage Study – For Discussion Only: Majkowski provided a review of the final recommendations for the study. The Board discussed finalizing the report and closing out the survey analysis. The Board agreed to have the Engineer finalize the study and print final reports and to have Gorall close out the survey account.
- c) Cedar Corporation Agreement for Engineering/Professional Services for 2012-2013 – For Approval/Denial: Motion by Mani/O’Neill to approve Cedar Corporation Agreements as presented. Motion carried 5 to 0.
- d) Update on CTH KK Corridor & 441 Interchange Study – For Discussion Only: Gorall updated the Board on recent meetings regarding the corridor and interchange noting preliminary recommendations for improvements impacting the Town. Gorall noted that she will continue to attend meetings and keep the Board informed as necessary.

11) ADMINISTRATOR/CLERK, Angela Gorall

- a) Adoption of 2012 Town of Buchanan Budget – For Approval/Denial: Gorall provided a final review of changes made to the budget since the Boards last review and provided final recommendations for balancing the budget. The Board reviewed and discussed final edits to the budget and the results of the public hearing held on November 10th. The Board requested to have Gorall inquire with the Sheriff’s Department on not using a full-time deputy for June through August and only using a Deputy to fill vacancies which occur during the three months by the other four full time deputies. Gorall will provide information to the Board at a future meeting for their consideration. Motion by Mani/O’Neill to approve the 2012 Town of Buchanan Budget as presented with changes to include taking \$8,024 out of the CTH CE/Van Roy/Eisenhower levied funds and to include any final changes to the Fire Chief salary out of the 2012 contingency. Motion carried 5 to 0.

12) PLAN COMMISSION RELATED ITEMS

- a) Ordinance 2011-08, Adopting and Amendment to the Comprehensive Plan for the Town of Buchanan, (Amendment to Future Land Use Map; Parcel Numbers 030059500, 030059600, 030059700 (three parcels located at the northeast corner of CTH KK and CTH N); Residential and Undeveloped to Commercial Future Land Use) – For Approval/Denial: McAndrews provided an overview of the application and the Plan Commission hearing held the previous night. McAndrews provided a further review of information he obtained from residents in the area and their concerns. Jerry Wallenfang, Plan Commission Chairperson, provided a review of the requested amendment, public hearing conducted by the Plan Commission and approval of a resolution by the Commission in favor of the amendment. Terri Devalk (N135 Brux Rd.) spoke against the application noting concerns with safety, access and traffic. Gorall clarified that a site plan will be submitted at a later point in the process. Trudy Ourada (N129 Brux Rd.) spoke against the application in concern of access to the area. Tim Ourada (N129 Brux Rd.) spoke against the application in regard to potential traffic to the business. Al Lamers noted plans for the CTH N intersection as he was informed by the County Highway Department. Applicant Mike Wagner spoke in favor of his application noting the potential economic impact of the project and other details on the draft site plan. Chris DeValk (N135 Brux Rd.) spoke against the application requesting maintained privacy for the area. Residents further spoke in regard to concerns with the application and having any commercial on the corner. The Board reviewed and discussed the amendment and impacts. Motion by O’Neill/Starszak to approve ordinance 2011-08 as presented (approving the amendment). Motion carried 3 to 2, with McAndrews and Lynch voting no.
- b) Ordinance 2011-04, Repealing & Recreating Section 525-34(F)(1) of the Code of the Town of Buchanan, Accessory Parking & Storage in Residential Districts – For Discussion Only: Wallenfang provided a review of the ordinance noting approval by the Plan Commission. The Board reviewed and discussed the ordinance. The Board agreed to carry forward the ordinance to the next meeting for approval or denial.
- c) Application for Special Exception: Applicant Dan Fuhrmann, N930 County Road GG; Parcel Number 030012400; For §230-18 Installation of Solid Fuel Fired Outdoor Hearing Devices – For Approval/Denial: Wallenfang provided a review of the application noting approval by the Plan Commission. The Board reviewed and discussed the application. Motion by Lynch/Mani to approve the special exception application as presented. Motion carried 5 to 0.
- d) Application for Minor Land Division (CSM): Applicant James Lamers, N788 County Rd. GG; Parcel Numbers 030016400, 030016500 – For Approval/Denial: Wallenfang provided a review of the application noting approval by the Plan Commission. The Board reviewed and discussed the application. Motion by Lynch/Mani to approve the application as presented. Motion carried 5 to 0.
- e) Update on Plan Commission and Board of Adjustment Vacancy – For Discussion Only: Wallenfang noted pending vacancies due to the resignation of Faith Opsteen. Wallenfang encouraged residents to apply for the vacancy. Gorall noted that advertising for the position is in progress.

13) FUTURE AGENDA ITEMS

Future meeting agenda/discussion items and possible action on future Town Board agenda, including specific items for inclusion on or exclusion from future agenda: Agenda items as necessary will be carried forward to the next meeting. No new agenda items were added.

14) MOTION TO MOVE TO CLOSED SESSION

- a) Closed session pursuant to section 19.85(1)(e) of the Wisconsin State Statutes: Deliberating or negotiating the purchase of public property, investment of public funds, or conducting other specified public business when competitive or bargaining reasons require a closed session. Incorporation review & Town of Harrison incorporation process review: Motion by Mani/Starszak to move into closed session at 9:08 p.m. Motion carried 5 to 0.
- b) Closed session pursuant to section 19.85(1)(c) of the Wisconsin State Statutes: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Fire Chief position employment: The Town Board continued discussion in closed session.

15) MOTION TO MOVE OUT OF CLOSED SESSION: Motion by Lynch/Mani to move out of closed session at 10:45 p.m. Motion carried 5 to 0.

16) ADJOURNMENT: Motion by Lynch/Mani to adjourn at 10:46 p.m. Motion carried 5 to 0.

Angela Gorall, Administrator/Clerk
Dated: November 16, 2011

Motion to approve by Mani/Lynch. Date: 12/20/2011.
Carried 5 to 0.