

TOWN OF OCONOMOWOC

BOARD OF SUPERVISORS

May 5, 2008

Call to Order/Pledge of Allegiance:

Chairman Hultquist called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Present were Chairman Hultquist, Supervisors John Roelandts, Janis Husak, Brian Wiemer, and John Koepke. Also present were Town Attorney William Chapman, Police Chief James Wallis, Highway Superintendent Owen Salzman, Administrator/Planner Jeff Herrmann, and Clerk/Treasurer Terry Leaman.

There were 9 people in attendance.

Chairman Hultquist requested a moment of silence for the passing of Russ Paar's father.

Approve Minutes: April 21, 2008 Board of Supervisors Meeting

Supervisor Husak made a motion to approve the minutes of the April 21, 2007 Board of Supervisor's Meeting. Supervisor Koepke seconded the motion. The motion carried unanimously.

Correspondence

Administrator/Planner distributed several letters to the Board members:

- 1). Letter from Diane Gard of the City of Oconomowoc which was written in response to a letter from Mr. Herrmann.
- 2). Letter from Gerber Leisure Products indicating they will be installing the playground rubber surface at the Mapleton Community Center within two weeks.
- 3). Letter from the DOT regarding the possible purchase of state owned land on the east side of STH 67 directly across from Park Street.
- 4). Extra-Territorial Platting Jurisdiction letter and map from the City of Oconomowoc. The letter mentioned that the City chooses to continue to exercise their right to review land divisions in the City's Jurisdictional area.

Comments from the Floor on Agenda items or any other items: None

OLD BUSINESS

1. Consider and Act on CSM for Sandy Syburg.

Planner Herrmann indicated that the two parcels under consideration will have access to HWY K. He met with the DOT and Plan Commission members regarding the access to HWY K for the lots. The Plan Commission approved the CSM subject to:

- 1). No further land division would be allowed.
- 2). The deed restriction would be lifted before the finalizing of the CSM because it is no longer valid.

Supervisor Roelandts made a motion to approve the CSM with the conditions as mentioned as well as the conditions mentioned by the Plan Commission. Supervisor Wiemer seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Consider and Act on Ruekert-Mielke request for Board reconsideration of construction review services.

Mr. Stan Sugman and Mr. Peter Muth were present from Ruekert-Mielke.

Mr. Sugman summarized the request:

- 1). He had forwarded a letter from 6/21/2005 which indicated the level of effort for administration, stakeout and review of the Utility Project.
- 2). He added a letter that summarized the additional time for this invoice = \$73,318.00.
- 3). He handed out a copy of the actual schedule which was 32 weeks to completion.
- 4). He included a summary of costs:

Construction and Engineering Contract	\$2,534,000.00
Final Cost (including the \$73,000.00)	\$1,933,000.00

The project came in \$600,000.00 below budget.

- 5). The last item included was a copy of the questioned invoice which was for construction review tech time.

Mr. Muth followed with more of a historical perspective:

- 1). Assumed the construction would be completed during the 2006 construction season.
- 2). Assumed the initial paving to happen in 2006.
- 3). Assumed manpower utilization would be covered with one tech for review.
- 4). There were 20 weeks until October to finish construction. Construction didn't begin until October 2006 which means substantial completion would not be finished until February 2007.
- 5). Contractor brought in 8 crews to speed up the work. However the additional crews did not speed up the process. Ruckert-Mielke brought in additional techs to review the crews.

Question: Supervisor Koepke asked about the need for additional cost for marker wire of \$30,000.00. Mr. Muth indicated that the City of Oconomowoc was trying to determine alternative methods for marking the laterals. They finally decided to go with the more expensive wire markers.

Question: Supervisor Koepke asked about the need in the Town of Summit to backfill with slurry. Was that a Ruckert-Mielke or Henshue glitch? Mr. Muth indicated that they were originally going to have gravel backfill but the Town of Summit required slurry when they issued the permit.

Question: Supervisor Koepke questioned the number of complaints the Town has been receiving regarding the curb stops. Mr. Muth indicated that the supervisor of the contract was Henshue. Ruckert-Mielke was there to make sure Henshue complied with the documents.

Question: Chairman Hultquist asked whether the curb stops were improperly installed, if there was improper inspection or if they were improper equipment. Mr. Muth indicated that there is a sleeve over the curb stop that needed to be extended. Not all were extended causing a break in the stem. The installer can see the extended curb stops. Henshue assumed responsibility for the defect portion of the contract.

Question: Supervisor Koepke asked if Ruckert-Mielke were out on the job site as often as they needed to be. The problems with the curb stops, marker wire, and slurry would indicate Ruckert-Mielke needed to be out there more.

Mr. Sugman indicated that the City was testing two types of marker tape. The magnetic tape did not work as expected so the City required wire marker tape.

Chairman Hultquist mentioned that in a 6/25/05 letter from Ruckert-Mielke that the final agreement assumed no further changes. Charges were made after the fact with no head's up given to the town. Mr. Muth indicated that in May of 2007 he e-mailed Jeff indicating that there were \$35,000.00 in charges.

Question: Supervisor Roelandts mentioned that the increased length of time of the project didn't change the project. The construction company changed the construction schedule. Additional crews didn't speed up the process. Why should the Town of Oconomowoc pay the additional cost when it was not our responsibility? Mr. Muth indicated that Ruckert-Mielke thought with the additional contractor crews that there would be more production so they added tech's to review the additional work.

Question: Supervisor Husak asked whose job it was to oversee the installation of the curb stops. If it was the fault of the guy in the trench why was someone not in the trench to check it? Mr. Muth answered that quality was the responsibility of the contractor and it was the responsibility of Ruckert-Mielke to assure the location, backfill and bracing to be proper. Their staff is not authorized to go into the trench because of safety issues.

Question: Supervisor Husak asked why Henshue shouldn't pay this invoice instead of the Town. Mr. Sugman mentioned that he had not looked into the contract regarding liquidated damages.

Question: Chairman Hultquist asked if there were exemptions outside of the original 22 weeks of construction time. Mr. Muth answered that only the paving and landscaping went into the next year.

Question: Supervisor Koepke asked if Henshue exceeded their initial bid. Administrator Herrmann indicated that they were about 9% over their bid. Supervisor Koepke indicated that the Ruckert-Mielke invoice was over 100% more than their original bid.

Question: Supervisor Roelandts asked what's happening with the residents that have been having problems with the curb stops. Mr. Muth indicated that he is meeting with Henshue this week to work on these problems and the associated costs.

Supervisor Roelandts made a motion authorize Administrator/Planner Herrmann to attempt to reach a settlement with Ruckert-Mielke. Supervisor Wiemer seconded the motion. Administrator Herrmann asked for more direction from the Board. Supervisor Roelandts indicated that a percentage as indicated in the increase from Henshue might be a starting point.

Mr. Sugman indicated that Ruckert-Mielke had taken extra effort to protect the Town's interests and spent the extra time on behalf of the Town.

Supervisor Koepke commented that he would have liked to have heard about these charges in advance of receipt of the invoice. When he goes and makes a future milk contract he is locked in at that cost. Apparently others get to renegotiate their contracts after the fact.

Chairman Hultquist called the question. The motion carried unanimously.

2. Consider and Act on Ordinance for Burning Permits.

Supervisor Koepke suggested moving this item up in the agenda due to the people waiting to speak on the topic. Present were: Asst. City of Oconomowoc Chief Glenn Leidel, Ashippun Fire Chief Deonne Eske, and Stone Bank Fire Chief Mark Ranscht.

Administrator Herrmann indicated that the Town is considering an Ordinance to limit burning. Since the recycle center is operating it is thought that there should be some restrictions on open burning.

Asst. Chief Leidel: He applauded the Board for considering more stringent guidelines. He asked about the following:

- 1). Determination of burn date – currently permits are for 30 days.
- 2). Are the general burning times in spring and fall with no burning in summer?
- 3). Will the Town collect the fees? The Fire Departments don't want to handle the financial side of burning permits. If the Town collects the fee and issues the burn permit then the Fire Department would not be able to inspect the burn site. The Fire Departments like to make sure the owner is responsible. In this case they would be approved without viewing the pile or location of the pile.
- 4). Recommends a line on the burning permit to indicate the Fire Department administering the permit.
- 5). Would the fees be retroactive to 1/1/2008?

Chief Eske indicated that the Fire Department gets the same people each year. However, she would like to know what's going on and who's getting the permits. She indicated that the Fire Department issues a number of permits on Saturdays when the Town Hall is closed. She also would like to be contacted in a timely fashion in order to check the pile.

Asst. Chief Leidel: Is there going to be some kind of notice to let the residents know of the changes? The answer was yes.

He also suggested that a garden hose with sufficient pressure and sufficient length to control the fire. He would rather issue the permits and look at the fire pile.

Chairman Hultquist asked the Chiefs/Assistant Chief if they would prefer to issue the permits. They all indicated that they would like to issue but would not like to be responsible for the collection of the fees.

The decision to act on the Burning Permit Ordinance was tabled to a future meeting.

3. Consider and Act on Special Event Application for St. Joan of Arc Parish School End of Year Picnic, June, 6, 2008 at Okauchee Lion's Park.

Supervisor Husak made a motion to approve the Special Event Application as presented. Supervisor Roelandts seconded the motion. The motion carried unanimously.

4. Consider and Act on Special Event Application for Tom & Di's Rustic Inn, June 7, 2008 wedding.

Supervisor Koepke made a motion to approve the Special Event Application as presented. Supervisor Husak seconded the motion. The motion carried unanimously.

5. Consider and Act on Groovey Open Golf Outing, Jerry Homan, July 12, 2008 at Okauchee Lion's Park.

Supervisor Husak made a motion to approve the Special Event Application as presented. The motion was seconded by Supervisor Roelandts. The motion carried unanimously.

6. Consider and Act on Pete and Madeleine's Wedding Reception, August 2, 2008, Madeleine Bucheger, Okauchee Lion's Park.

Supervisor Husak made a motion to approve the Special Event Application as presented. Supervisor Wiemer seconded the motion. The motion carried unanimously.

7. Consider and Act on Resolution Establishing Financial Policy for the Town Of Oconomowoc.

This topic was tabled to a future meeting in order to give Board members an opportunity to further review its contents.

8. Consider and Act on proposal from Mead & Hunt for Mill Street Bridge.

This topic was tabled to a future meeting because the information was not ready for the meeting.

9. Consider and Act on Land Use Plan Amendment.

Waukesha County has requested some minor changes in the Land Use Plan Map. Planner Herrmann explained those changes to the Board. Property owner Bob Snyder had requested that his land located on Highway P be changed from residential to commercial zoning. The Plan Commission had previously decided to consider this change once the SMART Growth Plan had been finalized. Supervisor Husak made a motion to endorse the changes recommended to the Land Use Plan Amendment. Supervisor Koepke seconded the motion. The motion carried unanimously.

10. Chairman Hultquist

a. Appointment and Confirmation of Dick Heinrich to Plan Commission.

Chairman Hultquist appointed Dick Heinrich to the Plan Commission for a five year period. Supervisor Husak made a motion to confirm the appointment. Supervisor Wiemer seconded the motion. The motion carried unanimously.

b. Appointment and Confirmation of Terry Largent as Weed Commissioner.

Chairman Hultquist appointed Terry Largent as Weed Commissioner. Supervisor Wiemer made a motion to confirm the appointment. Supervisor Roelandts seconded the motion. The motion carried unanimously.

c. Appointment and Confirmation of Supervisor Koepke to Ashippun Lake Management District.

Chairman Hultquist appointed Supervisor John Koepke to the Ashippun Lake Management District. Supervisor Roelandts made a motion to confirm the appointment. Supervisor Husak seconded the motion. The motion carried unanimously.

d. Appointment and Confirmation of Supervisor Husak to Lac LaBelle Management District.

Chairman Hultquist appointed Supervisor Jan Husak to the Lac LaBelle Management District. Supervisor Roelandts made a motion to confirm the appointment. Supervisor Koepke seconded the motion. The motion carried unanimously.

e. Appointment and Confirmation of Supervisor Roelandts to Okauchee Lake Management District.

Chairman Hultquist appointed Supervisor John Roelandts to the Okauchee Lake Management District and appointed himself and Supervisor Wiemer as alternates to serve in the absence of Supervisor Roelandts. Supervisor Husak made a motion to approve the appointments. Supervisor Koepke seconded the motion. The motion carried unanimously.

f. Appointment and Confirmation of Supervisor Husak as Personnel Liaison.

Chairman Hultquist appointed Supervisor Jan Husak as Personnel Liaison for the Town. Supervisor Wiemer made a motion to confirm the appointment. Supervisor Roelandts seconded the motion. The motion carried unanimously.

g. Appointment and Confirmation of William Chapman as Town Attorney.

Chairman Hultquist appointed William Chapman as Town Attorney. Supervisor Roelandts made a motion to confirm the appointment. Supervisor Husak seconded the motion. The motion carried unanimously.

11. Supervisor Reports

- a. **John Koepke:** Nothing
- b. **Brian Wiemer:** Nothing
- c. **Janis Husak:** Nothing
- d. **John Roelandts:** Nothing

10. Attorney Chapman: Nothing

11. Highway Superintendent Salzman: Nothing

12. Police Chief Wallis

a. Consider and Act on attendance at FBI National Conference in July.

The FBI Conference will be held in Milwaukee with the Chief acting on the organization committee. The cost will be \$400.00. Supervisor Husak made a motion to approve the request. Supervisor Roelandts seconded the motion. The motion carried unanimously.

b. Consider and Act on attendance at FBI retrain/shoot on May 28-30, 2008.

A motion was made by Supervisor Husak to approve the request. The motion was seconded by Supervisor Wiemer. The motion carried unanimously.

13. Administrator/Planner Herrmann

a. Consider and Act on Purchase of land – North Lake Road.

Administrator Herrmann referred to the previous letter from the DOT indicating the cost of the land to be \$62,200.00. He wanted to know what the next step is. Chairman Hultquist indicated that the purchase price might be somewhat negotiable. Attorney Chapman mentioned that the Board would need a special Town Meeting to purchase the land. Supervisor Roelandts made a motion to authorize Administrator Herrmann to negotiate with the DOT. Supervisor Husak seconded the motion. The motion carried unanimously.

b. Consider and Act on Meeting date with Road J Residents.

A meeting date was set for Wednesday, June 4, 2008 at 6 p.m. to meet with the Road J residents.

c. Consider and Act on attendance at the Municipal Administrator's Academy, July 28-31, 2008.

Supervisor Husak made a motion to approve the request. Supervisor Koepke seconded the motion. The motion carried unanimously.

14. Clerk/Treasurer

a. Approve Operator's Licenses per List

Supervisor Husak made a motion to approve the Operator's Licenses per the list subject to the Chief's approval. Supervisor Wiemer seconded the motion. The motion carried unanimously.

b. Consider and Act on Clerk/Treasurer's attendance at the 2008 Municipal Clerks and Treasurer's Institute in Green Bay, July 13-18.

Supervisor Husak made a motion to approve attendance. Supervisor Wiemer seconded the motion. The motion carried unanimously.

c. Consider and Act on Clerk/Treasurer and Deputy Clerk/Treasurer's attendance at the 2008 WMCA Conference, August 20-21.

Supervisor Husak made a motion to approve attendance. Supervisor Koepke seconded the motion. The motion carried unanimously.

15. Approve Vouchers and Checks

Supervisor Wiemer made a motion to approve the vouchers and checks pending the review of Administrator Herrmann. Supervisor Roelandts seconded the motion. The motion carried unanimously.

16. Adjourn

Supervisor Roelandts made a motion to adjourn the meeting. Supervisor Husak seconded the motion. The motion carried unanimously. The meeting adjourned at 7:27 p.m.

Respectfully submitted,

Terry A. Leaman
Clerk/Treasurer