

**Minutes of the Town Board Meeting
Town of Lisbon, Town Hall
Monday, January 29, 2018
6:30 p.m.**

Chairman Osterman called the Town Board meeting to order at 6:30 PM.

Roll Call: Present: Chairman Osterman, Supervisors Gamiño, Moonen, Plotecher and Beal. Also present: Matt Janecke, Town Administrator, Gina Gresch, Town Clerk, Joe DeStefano, Jr., Public Works Director, Mitch Leisses, Storm Water Engineer and Jim Hammes, Town Attorney.

Comments from citizens present. None.

Consent Agenda. Items listed under the Consent Agenda are considered in one motion unless a Town Board member requests that an item be removed from the Consent Agenda.

- January 8, 2018 Town Board minutes.
- Resignation of Vicki Brahm from the Park Committee.
- Picnic License for Ausblick Ski Patrol Carnival on February 11, 2018.
- Exemption of Town Ordinance 13.08 and parts of Chapter 8 for the purpose of Heritage Weekend activities.
- Operator's License for Morgan Corbeille – Kwik Trip

Motion by Supervisor Plotecher to approve the Consent Agenda. Seconded by Supervisor Gamiño. Motion carried, 5-0.

Approval of Bills.

Motion by Supervisor Beal to approve the check registers as presented from January 15, 18 and 26, 2018. Seconded by Supervisor Plotecher. Motion carried, 5-0.

Announcements/Correspondence - Listing of upcoming meeting dates & times.

Chairman Osterman reviewed the list of upcoming Town meetings.

Department Reports - Presentation of activity statistics and recently attended meetings.

Parks Department – Supervisor Gamiño reviewed the Parks Department report. The Park Committee is busy planning for Heritage Weekend and Winterfest was rescheduled to this coming weekend. They are also working on the Easter Eggstravaganza and the Lake Five Pathway.

Fire Department - Chairman Osterman reviewed the Fire Department report and meetings attended by the Fire Chief in November and December.

Town Administrator – Administrator Janecke met with Waukesha County, the Villages of Sussex and Menomonee Falls, an engineering firm about doing an impact analysis for the Leid's property development, relating to moving Main Street. Waukesha County is stuck on moving that intersection south into the Leid's property but we will continue to explore other options. He is unsure how much of the land that will take up, but it does break up the property by having the road splitting it in half. That could be economically feasible. The Town will have to determine if that will make for a better development. The Town will have to pay for part of the project; early overall estimate is \$1.5 Million.

He also spoke with staff about the grass cutting ordinance, procedures and how to do chargebacks. Internet speeds in all Town buildings were upgraded. The Quiet Zone on N. Lisbon Road will be delayed because more delineators need to be added. Supervisor Beal asked if it is illegal to put grass cuttings in the street. Chairman Osterman stated yes that is illegal. She would like something in the next newsletter about that.

Supervisor's Reports. None.

New Business

Discussion and necessary action to adopt Resolution 01-18, A Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners (Dark Store).

Administrator Janecke stated he is asking the Town Board to consider a non-binding resolution in support of proposed state legislation reversing a 2008 Wisconsin Supreme Court decision, as well as legislation closing the "dark store loophole". Legislation would correct two aspects of the problem. Senate Bill (SB) 291/Assembly Bill (AB) 387 addresses a 2008 Wisconsin Supreme Court ruling that cut tax assessments on single tenant commercial properties, like Walgreens and CVS. That court interpretation left many of these stores paying taxes on half their fair market selling price. SB 292/AB 386 would halt the "Dark Store" strategy in which commercial property owners argue their properties should be assessed as if they were vacant or boarded up. Presently, hundreds of millions of dollars of taxable value is not on the rolls because of these strategies. Neither bill would increase the revenue municipalities collect; they would, however, distribute the cost of municipal services such as police, fire protection, and public works more fairly among all property taxpayers. Both bills have dozens of sponsors, legislators from both sides of the aisle. Local municipal leaders are asking for both SB291 and SB 292 to be scheduled for a vote. Lisbon currently doesn't have many commercial properties but we could someday. Supervisor Beal stated this is needed; commercial assessments are different and can be frustrating.

Motion by Chairman Osterman to adopt Resolution 01-18, A Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners (Dark Store). Seconded by Supervisor Moonen. Motion carried, 5-0.

Discussion and necessary action on the Proposed 2018 Road Project Plan.

Mitch Leisses from Kunkel Engineering has been working on the Town's road maintenance plan for the last couple of years with Public Works Director DeStefano. Of the \$8 Million borrowed in 2016, there is about \$1.5 Million left which could cover various road projects like the DPW/FD parking lot, towards Good Hope Road or similar projects. The list of proposed roads is mainly dictated by the PASER ratings. Those roads are Center Oak Road from Plainview Road to terminus, Micah Road, Peterson Road, Lynn Marie Court, Carole Ann Circle, Plainview Road from the railroad tracks to Woodside Road, Bonnie Lane and the Lisbon Lawns area. Even though there are enough funds to do all of those roads, he would prefer Bonnie Lane be bid as an alternate so the DPW/FD parking lot could be included, which would make the most of the money left to use. He would like to send the bids out ASAP and have a bid opening in February. There was discussion between Engineer Leisses and the Town Board about various road's PASER ratings, at what rating is it time to only do crack filling/sealing maintenance versus reconstruction and those associated cost differences, and how waiting a couple years to fix some roads could make the project more expensive in the future. They continued to discuss the pros and cons of fixing some roads and waiting on others. There are no foreseen storm water issues and the Public Works Department will complete the culvert replacement work. There was further discussion drainage and ditching and possibly swapping out some roads to be bid as alternates. Engineer Leisses stated the Town Board has time to think about that and that decision will be made the night the bid is awarded.

Chairman Osterman stated there is some early conversation about a new salt shed so maybe the building and parking lot should be done at the same time. Public Works Director DeStefano presented three options and noted there are many variables that haven't been worked out yet. In the long run everything that is currently outside will be stored inside the old salt shed. Chairman Osterman stated this will come back to the Town Board for approval; only need approval on the 2018 Road Project Plan.

Motion by Chairman Osterman to approve the Proposed 2018 Road Project Plan with making Center Oak Road an alternate and adding the DPW/FD parking lot. Seconded by Supervisor Moonen. Motion carried, 5-0.

Discussion and necessary action on a proposal to provide engineering services for the 2018 Pavement Resurfacing Program.

Engineer Leisses stated his proposal includes a seven percent engineering fee to prepare the bidding documents and do the inspections. At the time he prepared the proposal, the DPW/FD parking lot wasn't in the bid, but the total paid out will be less than what was estimated. Supervisor Gamiño asked why this work didn't go out for bid. She'd like to make a decision by comparing prices. Administrator Janecke stated the road program work was bid out originally and was awarded to Kunkel. Normally, this would be a competitive bid but Kunkel told the Town they would only charge seven percent and the Town Board agreed. Engineer Kunkel stated that is correct and other engineering companies usually charge about 15% for this type of work. Chairman Osterman stated when this program started, much of the scope and legwork was done by Kunkel so having them do the rest of the work for the duration of the project made sense. He agreed it should normally be put out to bid and that was done three years ago. Supervisor Gamiño feel this is a big dollar amount to decide on and taking bids would increase her comfort level.

Public Works Director DeStefano stated Kunkel was brought in to create the Five-Year Plan and the yearly pavement resurfacing program is a part of that. Administrator Janecke stated he is comfortable with the fee and knows the Town is not being overcharged. Supervisors Beal, Plotecher and Moonen indicated they are ok with the proposal and not going out for bid. Supervisor Moonen stated they have to look at the relative cost savings of moving forward and putting it out for bid. Administrator Janecke stated going out for bid will add another two or more weeks on the project, which then takes longer to go through the bidding process.

Motion by Chairman Osterman to approve Kunkel Engineering to provide engineering services for the 2018 Pavement Resurfacing Program, not to exceed \$70,200. Seconded by Supervisor Moonen. Motion carried 4-1, with one nay by Supervisor Gamiño.

Discussion and necessary action on the Five Year Town Road Management Plan.

Engineer Leisses prepared a Five-Year Plan in 2016 which was before the Town knew they would be borrowing money to fix the roads, so he did a new report. He viewed the date from a different angle because 2016's needs are not as great now. The Town's current PASER rating is 7.406, up from 5.8 in 2016. He wants to be sure the Town is allocating enough money for yearly maintenance. He created a pavement analysis with a budget which created long-term budget projections. He reviewed reports based on spending \$300,000 versus \$400,000 yearly on road maintenance. The purpose of the report is to show the Town Board what their yearly investment should be over the next five years. Chairman Osterman stated this is exactly what he has been looking for to help with budgeting. No action needed on this item.

Discussion and necessary action to purchase a Heavy Duty Scan Tool.

Public Works Director DeStefano stated during the 2018 budget workshops, the Town Board approved \$8,000 for a heavy duty truck scanner tool. After researching all available options, he recommends the Texa Combo Heavy Duty Truck & Construction/Off-Road Equipment Scanner which includes Texa software a special laptop. All of the other equipment options can diagnose all types of trucks but Texa is the only one that can also do heavy and light off-road equipment as well as agricultural equipment.

The kits come with the diagnostic trouble codes as well as how to fix the problems so we can do repair ourselves instead of going to the dealership. The annual renewal is a reasonable price and offers a 12 month warranty each year, which is basically a lifetime warranty. We would also receive a new laptop every three years. There is also a 30-day money back guarantee so the department will spend time verifying that it does what it is supposed to do. If we are not satisfied, we sent it back and are refunded.

This equipment could potentially generate revenue for the Town. No other municipality in the area has any kind of equipment like this. We could really help out other municipalities while making some money back on the investment. Overall, Texa has a better package for the cost.

Motion by Supervisor Moonen to approve the purchase of a Texa Combo Heavy Duty Truck & Construction/Off-Road Equipment Scanner in an amount not to exceed \$7,995. Seconded by Supervisor Gamiño. Motion carried, 5-0.

Discussion of the Fire Department's 2695 Tender Pump failure and replacement.

Chairman Osterman stated this work has already occurred and was over the amount of what should have been spent with Town Board approval. There was oil leaking into the water pump and it was in bad shape. The choices were fix it for \$9,000 or buy a new one for \$8,000. We can't be down an engine so we had to replace it. After the repair we found someone through the Fire Department who can rebuild it and will donate the labor, which results in having an extra pump. The Public Works Department found the problem with the old pump and installed the new one, saving some money.

Recess into Closed Session pursuant to Wisconsin Statutes 19.85(1)(e) and (c) for the following reasons: (e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically to discuss proposed Forward Development Group Contract. Also for (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically the Town Administrator Performance Review and Contract.

Motion by Supervisor Gamiño to convene into Closed Session pursuant to Wisconsin Statutes 19.85(1)(e) and (c) for the following reasons: (e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically to discuss proposed Forward Development Group Contract. Also for (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically the Town Administrator Performance Review and Contract. Seconded by Supervisor Moonen, motion carried by roll call vote:

ROLL CALL VOTE:

Chairman Osterman: Yes
Supervisor Gamiño: Yes
Supervisor Moonen: Yes
Supervisor Plotecher: Yes
Supervisor Beal: Yes

Motion carried, 5-0, by roll call vote. Town Board convened into Closed Session at 8:15 PM.

Reconvene into Open Session for possible action on Closed Session deliberations.

Motion by Supervisor Gamiño to reconvene into Open Session. Seconded by Supervisor Moonen.

ROLL CALL VOTE:

Chairman Osterman: Yes
Supervisor Gamiño: Yes
Supervisor Moonen: Yes
Supervisor Plotecher: Yes
Supervisor Beal: Yes

Motion carried, 5-0. The Town Board reconvened at 10:31 PM.

Discussion and necessary action on Forward Development Group Contract.

Motion by Supervisor Plotecher to approve the Forward Development Group Contract. Seconded by Supervisor Gamiño. Motion carried, 5-0.

Adjournment.

Motion by Supervisor Beal to adjourn the Monday, January 22, 2018 Town Board of Supervisors meeting at PM. Seconded by Supervisor Plotecher. Motion carried, 5-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town Clerk