

JOINT REGULAR MEETING – SANITARY DISTRICT NO. 1, NO. 2, NO. 3 & EAST SIDE UTILITY DISTRICT – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – APRIL 20, 2021

CALL TO ORDER/ROLL CALL

Meeting called to order at 6:41 p.m. by Jason Van Eperen, presiding officer.

PRESENT: Jason Van Eperen, Ron Wolff, Travis Thyssen, Brad Gehring, Jeff Ings, and Angie Cain, Town Clerk

STAFF: Jim March, Town Administrator; Bob Buckingham, Community Development Director; Greg Peterson, Police Chief; Tim Bantes, Fire Chief; Julie Wahlen, Finance Director; Katie Schwartz, Director of Public Works; Brent Braun, IT Director; Sue Brinkman, HR Director; Karen Heyrman; Deputy Public Works Director; Mike Patza, Town Planner; Matt Kasriel, Assistant Fire Chief; Attorney Rossmeissl, Herrling Clark Law Offices; Nick Vande Hey, McMahon Associates

OTHERS: 2 signed attendance (17 present) and 10 virtual

APPROVAL OF AGENDA/ORDER OF THE DAY

Motion (Ings/Gehring) to approve the agenda as printed. Motion carried.

PUBLIC INPUT – There was no public input.

CONSENT AGENDA

Approve regular joint meeting minutes – April 8, 2021

Accept Monthly Report – March 2021

Motion (Thyssen/Gehring) to approve the consent agenda. Motion carried.

FINANCIAL REPORTS

Approval of Voucher Lists – April 20, 2021

San 1, 2, 3 & East Side – \$157,847.53 ACH – \$49.95

Accept Budget Statement – March 2021

Motion (Gehring/Ings) to approve the voucher list and accept the budget statements. Motion carried.

NEW BUSINESS

Award of bid, Contract 2021-03, 2021 Water Main Construction, to Jossart Brothers, Inc. in the amount of \$728,452.00.

Motion (Thyssen/Ings) to approve. Motion carried.

RESOLUTION

Preliminary Resolution SD3-02-2021 declaring intent to exercise special assessment powers under Sanitary District's Police Powers and Chapter 66, Wis. Stats., 2019-20 as amended for W Associated Drive storm sewer installation – N Casaloma Drive to W Greenville Drive (CTH GV).

Motion (Thyssen/Gehring) to approve.

Supv. Thyssen explained that it is required to declare the police powers with whatever process they decide to move forward with. He said they should have the police powers in writing with anything that they declare in order to notify the public for their intent.

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Supv. Ings explained that he would like them to suspend any actions regarding special assessments until they decide as a Town how they will pay for special assessments in the future. He does not want to pursue this at this time.

Supv. Thyssen explained that the resolution was a declaration that they are moving forward with the project and they have not decided how it will be paid for. They need to have clarification on how they will move forward with this. He explained that this is the first step to say the Town is looking at moving forward with a project.

Atty. Rossmeissl explained that this was the first step in a multistep process. This will come back to the Town Board with the Engineer's Report and methodology where the Town Board can provide guidance. There would then be a Public Hearing and lastly a final resolution for the project if there are special assessments.

Supv. Ings questioned if they could make a motion to change the wording because it states they are declaring intent to exercise special assessment powers. It doesn't state anything about moving forward with a project. He questioned if the resolution should be changed.

Atty. Rossmeissl explained that the intent to exercise special assessment powers is language out of the statute. If they are going to start the process, the language demonstrating the Town's intent to move to the next step needs to be included in the resolution. He explained that if the resolution is approved, it does not commit the Town to special assessing for this project.

Supv. Wolff asked if they would remove the police powers and still move forward with the project.

Atty. Rossmeissl explained that there is a process outlined in that must be followed under the statutes.

Supv. Thyssen explained that how this project will be funded is still on the table.

Atty. Rossmeissl explained that there is no special assessment if this is adopted because it is only the first step. If the Town Board doesn't take any further action, there will not be a special assessment. Although this resolution is entitled, until all of the steps and a final resolution is adopted, there is no special assessment. If this is adopted, they will receive information from the Town Engineer.

Supv. Wolff questioned why the police powers needs to be listed in the resolution to move forward.

Atty. Rossmeissl explained there are two types of special assessments. If the Town wants to reserve its right to use police powers, it needs to be spelled out every step of the way. He recommended it be included in the preliminary and final resolutions. It would also have to be in the Engineers Report which is the second step that the Town Board typically takes to review the methodology. This part is not in statutes but the Town has added this step to provide input prior to the Public Hearing.

Supv. Thyssen explained by moving forward with the resolution does not make the Town Board have special assessments for the project.

Atty. Rossmeissl explained that the purpose of this resolution is to direct the Town Engineer to put together the plans and submit a proposed schedule of assessments. At that point, the Engineer's report is filed with the Town Clerk. Traditionally the Town Board has reviewed it prior to the Public Hearing. The Town Board could shut it down at that point or it could never schedule a methodology agenda item.

Supv. Wolff asked if there was any other way to start a project without using the words police powers.

Atty. Rossmeissl stated he could not state that with certainty and as he would have to check the appropriate statute. He recommended to use the form that the Town has used to be safe. This can always be shut down at any future step. He explained that Supv. Ings could make a motion to amend the resolution but he wouldn't have time to review the statute book to make sure that every word that needs to be in the resolution is listed.

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Supv. Ings explained they should approve the resolution for expediency purposes and look at the resolutions in the future regarding police powers and special assessments.

Atty. Roissmeissl explained that would be his recommendation. He asked to be contacted prior to the next resolution that is put on an agenda so he can research the statutes.

Motion carried.

ADJOURNMENT

Motion (Thyssen/Ings) to adjourn. Motion carried.

Meeting adjourned at 6:57 p.m.

These minutes were taken at a regular meeting held on April 20, 2021 and entered in this record book, April 21, 2021 by:

Angie Cain, Town Clerk
Joint Sanitary District No. 1, No. 2, No. 3 & East Side Utility District
Approved: May 4, 2021