

**Town of Brazeau Regular Board Meeting
October 26, 2012 – 6:30 p.m.**

Call to Order: Chair Wendt called meeting to order at 6:30 p.m.

Roll Call Taken: Present: Gerald Kempka, Rodney Gretzon, Ryan Wendt. Absent: None

Pledge of Allegiance Recited:

Agenda Approval: Motion-Kempka/Second-Gretzon to approve agenda. Voice Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

Minutes-September 18, 2012: Motion-Gretzon/Second-Kempka to accept minutes of September 18, 2012. Voice Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

REPORTS:

Financial Report: Clerk Grosse read financial report in absence of Treasurer, K. Enix. Cash on hand as of September 30, 2012: \$44,315.46.

Brazeau Ambulance Report: S. Kanack stated squad had 5 runs past month. The open house had good attendance. Ambulance Department continues to have mechanical issues with unit #2. MiFii has been installed which is a monthly savings of \$19.10.

Brazeau Fire Report: J. Lavarda reported department had several events during October Fire Prevention month. Visited Coleman School and Suring School plus had Fire, Ambulance and Dive Team Open house on October 23, 2012. Fire department has received grant to install dry hydrants on Rost Lake and 3 on White Potato Lake.

Unfinished Business:

Review Ordinance #BZ 1-96 Operation of all terrain Vehicles within Town: Board had received and reviewed ordinance adopted in Town of Bagley. Also, reviewed existing town ordinance in conjunction with ordinance proposal from Wisconsin Towns Association material. Comments from the public were received requesting areas of Lee Lake be approved in addition to N. Marl Lake Road and Marl Lake Road. Safety concerns stated on Parkway Road due to high traffic activity. Motion-Kempka/Second-Gretzon to approve ordinance draft with Section V. stating all town roads in Town of Brazeau jurisdiction and to be reviewed - one year trial basis. Roll call vote: Yes-Gretzon, Kempka, Wendt. No-none. Motion carried.

All Terrain Vehicle Routes Ordinance
Ordinance #BZ #10-2012

State of Wisconsin
Town of Brazeau
Oconto County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Brazeau All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles/utility terrain vehicles in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance under s.23.33 (8)(b) and (11), Wis. Stats.

SECTION III – ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain vehicle/utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles/utility terrain vehicles in the town.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES/UTILITY TERRAIN VEHICLES

Pursuant to s. 23.33(4)(d) 4., Wis. Stats, except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operator an all-terrain vehicle/utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designed as all-terrain vehicle/utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles/utility terrain vehicles on a roadway in the town that is an all-terrain vehicle/utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle/utility terrain vehicle routes in the Town of Brazeau:

All town roads under the Town of Brazeau jurisdiction.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the town all-terrain vehicle/utility terrain vehicle routes designated by this resolution:

- A. Routes shall be marked with uniform all-terrain vehicle/utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle/utility terrain vehicle routes:
 1. Intentionally remove damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 2. Possess any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all terrain vehicle/utility terrain vehicle route or train sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Oconto County Sheriff's Department.
- D. The following restrictions shall apply to all operation of All-Terrain Vehicles/Utility Terrain Vehicles on town roads:
 1. Maximum speed of 25 miles per hour
 2. Operation on hard surface of road only
 3. Operation of All-Terrain Vehicles/Utility Terrain Vehicles in single file only

SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SECTION VIII – PENALTIES

The penalties under in s. 23.33 (13) (a), Wis. Stats., are adopted by reference.

SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application and to this end the provision of this ordinance are severable.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats

ADOPTED THIS 26th day of October, 2012

Review and Possible Action Job Descriptions-Recycle Center Attendant & Town Road/Highway Crew: Board stated addition of high visibility apparel to be worn by both job categories. Also, highway to have proper signage implemented where working. Motion-Gretzon/Second-Kempka to approve job descriptions with noted additions. Voice Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

Pickeral Lake Right-A-way: Kempka proposed working on the Pickeral Lake pathway issue in the new year and acquiring clarification if it is Right-A-Way. Motion-Gretzon/Second-Kempka awarding permission to speak with town attorney to acquire clarification if it is a right-a-way and what the can can do. Voice Vote: Yes-Kempka, Gretzon, Wendt. No-None. Motion carried.

Don Hoff & Nancy VanStraten-Half Moon Lake properties: Kempka visited cite and had placed call to county zoning administrator, Pat Virtues to schedule a meeting. Motion-Kempka/Second-Gretzon to acquire a pricing on survey of area and execute digger hotline to mark utilities. Voice vote: Yes-Gretzon, Kempka, Wendt. No-none. Motion carried.

Wage Vouchers: Motion-Kempka/Second-Gretzon to approve October wage vouchers. Voice Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

General vouchers: Motion-Kempka/Second-Gretzon to approve October general vouchers. Voice Vote: Yes-Gretzon, Kempka, Wendt. No-none. Motion carried.

NEW BUSINESS:

Plan Commission & Land Use:

Rezone-Charles & Deb Smet: Paul Shallow, Surveyor presented CSM for board to review in regards to the Charles and Deb Smet property. Motion-Gretzon/Second-Kempka to approve rezone for Charles & Deb Smet. Voice vote: Yes-Kempka, Wendt, Gretzon. No-none. Motion carried.

Conditional Use-Town of Brazeau-Gravel Pit: Motion-Gretzon/Second-Kempka to approve conditional use for Town of Brazeau Gravel Pit. Voice Vote: Yes: Kempka, Gretzon, Wendt. No-none. Motion carried.

Brazeau Fire Department Resolution to Install 4 Dry Hydrants: Resolution provided to board requesting installation of 4 fire fighting dry hydrants: Rost Lake, White Potato Lake Access #2, #5, and #6. Cost proposal was presented by Joel Lavarda. Motion-Kempka/Second-Gretzon to approve resolution for installation of 4 dry hydrants. Roll call vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

Resolution: #10-2012

Whereas, in the interest of fire protection, Town of Brazeau Board has been asked to grant the Town of Brazeau Fire Department the right to install fire fighting dry hydrants on lands owned by the Town of Brazeau; and,

Whereas, the Town of Brazeau Board has reviewed the proposal and believes that it is the interest of the citizens of the Town of Brazeau;

Be It Resolved that the Town of Brazeau Board authorizes permission to the Town of Brazeau Fire Department for placement of fire fighting dry hydrants on lands owned by the town on Rost Lake Access and White Potato Lake Access #2, #5, and #6.

Adopted this 26st day of October, 2012

Driveway Permit-Darrell Enix: The D. Enix permit application requested to rework an existing driveway with no pipe needed. Motion-Wendt/second-Kempka to table until site visited. Voice vote: Yes-Wendt, Kempka, Gretzon. No-none. Motion carried.

Review & Possible Action of Ordinance Authorizing Alternative Claims Procedure per 60.44(2) Wis. Stats. Board reviewed proposed ordinance under the guidelines of Wisconsin Towns Law Forms publication. Ordinance allows payment of credit card bills, payroll and utilities before the monthly board meeting. Motion-Gretzon/Second-Kempka to approve ordinance authorizing alternative claims procedure. Roll Call Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

ORDINANCE AUTHORIZING ALTERNATIVE CLAIMS PROCEDURE

Ordinance BZa 10-2012

STATE OF WISCONSIN

Town of Brazeau

Oconto County

SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of Brazeau Alternative Claims Procedure Ordinance. The purpose of this ordinance is to authorize an alternative procedure for approving financial claims against the town that are in the nature of bills and vouchers.

SECTION II – AUTHORITY

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority under s. 60.44 (2), Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes an alternative procedure for approving financial claims against the town that are in the nature of bills and vouchers as provided in this ordinance.

SECTION IV – APPLICABILITY

Payments of claims against the town may be made from the town treasury under the procedure established in Section V for bills or vouchers that are of a routine nature, namely: payroll, utility bills, credit card billings.

SECTION V – PROCEDURE

A. Subject to the restrictions under Section IV, the payment of a claim against the town may be made from the town treasury if the town clerk approves in writing the claim as a proper charge against the town treasury. A claim against the town is a property charge against the town treasury if the clerk determines that all of the following conditions have been met:

1. Funds are available under the town budget to pay the bill or voucher.
 2. The item or service covered by the bill or voucher has been authorized by the town board or an authorized town official, agent, or employee.
 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 4. The claim appears to be a valid claim against the town.
- B. The town clerk may require submission of proof to determine compliance with the conditions under subsection A prior to approval.
- C. After determining that the conditions under subsection A have been met, the clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the clerk shall prepare and sign a check and have it countersigned by the town treasurer and town chairperson, pursuant to s. 66.0607, Wis. stats. The treasurer shall then mail or deliver the completed checks to the appropriate parties.
- D. At least monthly, the town clerk shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of the claimant, purpose, and the amount.

SECTION VI – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Reference to a "section," "subsection," or "paragraph" includes all divisions of the referenced section, subsection, or paragraph.

SECTION VII - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this ordinance are severable.

SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s.60.80, Wis. stats.

Adopted this 26th day of October, 2012.

Brown County Library Charge Issue: Chairman Wendt attended Brown County Library issue meeting at Oconto County courthouse on Oct. 8th. Town of Brazeau proposed to be charged \$11,571.01. Board will be researching the process and procedure to get into a library system.

Budget Hearing-November 10, 2012-Agenda: Motion-Kempka/Second-Gretzon to place on Agenda: 1. Reconsider mill rate 1.436059 adopted at April 10, 2012 – Annual Town Meeting 2. To approve the 2012 town tax levy to be paid in 2013 pursuant to Sec. 60.10(1)(a) of Wis. Stats. 3. To approve compensation for elected town officials for the next term of office pursuant to Section 60.10(1)(b)(1) of Wis. Stats. Voice Vote: Yes- Kempka, Gretzon, Wendt. No-none. Motion carried.

Closed Session: Fire Department Employee, LOSA & Recycle Center Attendant. Chairman Wendt read: Closed session under s. 19.85 (1) (c) Wis. Stats. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Motion-Kempka/Second-Gretzon to go into close session as stated by chair. Roll Call Vote: Yes-Kempka, Gretzon, Wendt. No-None. Motion Carried.

Reconvene Open Session: Motion-Kempka/Second-Gretzon to reconvene in open session. Roll Call Vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried.

Next Board Meeting: November 19, 2012 – 6:30 p.m.

Adjournment: Motion-Kempka/Second-Gretzon to adjourn. Voice vote: Yes-Kempka, Gretzon, Wendt. No-none. Motion carried. Meeting adjourned at 9:30 p.m.

Jean Grosse, Clerk