

Regular Town Board Meeting of October 8, 2019

Chairman Maines called the meeting to order, Pledge of Allegiance was recited by all.

Meeting was held at the Town Hall in Sayner. Meeting was called to order at 6:30 PM by Chairman Maines, who noted that this meeting was duly called with notice posted at the Town Hall in Sayner, the Sayner Post Office, and the Star Lake Post Office, and notice given to the Vilas County News-Review, The Lakeland Times, and WERL-WRJO Radio Stations of Eagle River, as well as posted on the town website. Supervisor Schmidt, Supervisor Wiggenghauser and Clerk Brooker were also present. There were 9 other people present.

Supervisor Schmidt made a motion to approve the agenda in any order. Supervisor Wiggenghauser seconded; motion carried.

Motion to approve the minutes of prior Town Board Meetings was made by Supervisor Schmidt. Supervisor Wiggenghauser seconded motion, motion carried.

Citizens Comments and Correspondence:

Craig Dalton gave his report on Nixon Lake Road. Work will be spot treatments Nixon Lake Road. The Town Board must move on processing a Resolution so it can be given to Mr. Dalton to send to Madison. Madison will then send the Town a commitment letter and the \$152,000 would then be encumbered completely. Mr. Dalton recommended bids be as a per unit basis for hours on hauling of materials, dozer and excavator work. Contractors hired would be in charge of all the work, but the Town should be hands on about checking on the work being done. The town will be able to give invoices to Mr. Dalton periodically, who will then send them off to Madison for reimbursement. Madison has said they will be paid within 30 days so the town will not have to lay out the whole \$152,000 before being reimbursed. The Town Board should try and get specs from Brian Pitlik for putting out bids. Mr. Dalton will email Town Clerk a list of contractors that he has dealt with in the past.

Report from Lakes Committee:

Chairman Maines shared a report from Mike Stroh, President of the Lakes Committee that covered both the 9/18 and 10/7 Lakes Committee meetings. Thee report included the 4 grant programs of 2019, worked on developing 2020 budget and reviewed CBCW Project with Oshkosh going into 2020. Grant reimbursement paperwork will be submitted soon, and the town should get that grant money in December. The Lakes Management Onterra Program is in final year. Phase 1 & 2 will be closed out in 2020. There may be a small surplus of funds when project ends. Report included the I-LIDS cameras, interest in getting 2 new cameras, enforcement, and cleaning of boats to help keep the Spiny Water Flea from spreading. Next meeting to be held 11/13/2019.

Update on Building Committee:

Supervisor Schmidt stated that there were no updates.

\$100,000 Loan for Repairs to Fire Dept. and EMS Building:

Supervisor Wiggenghauser had some questions, Clerk Brooker provided him with Kevin's estimate for repairs to the EMS Building and Fire Department Roof. After discussion Supervisor Schmidt made a motion to approve the 3-year loan option from M-Bank for a quarterly payment of \$8,750.00 at 2.89% interest. Chairman Maines seconded. motion carried.

Resolution 2019-003 to Approve Loan for \$100,000 for Infrastructure Repairs (EMS & Fire Station)

Whereas, the Town of Plum Lake, Vilas County, Wisconsin, ("Town") is presently in need of funds aggregating exactly One Hundred Thousand Dollars (\$100,000.00) for public purposes of:

Complete infrastructure projects including repair of town buildings, and:

Whereas, the Town Board deems it necessary and in the best interests of the Town that, pursuant to the provisions of Section 67312(12), Wisconsin Statutes, the sum of exactly One Hundred Thousand Dollar (\$100,000.00) be borrowed for such purpose(s) upon the terms and conditions hereinafter set forth:

Now, Therefore, Be It Resolved, that for the purpose(s) hereinabove set forth the Town, by its Chairperson and Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from mBank ("Lender"), the sum of \$100,000.00 and, to evidence such indebtedness, said Chairperson and Clerk shall make, execute and deliver to the lender for and on behalf of the Town the promissory note of the Town to be dated October 25, 2019, in said principal amount with interest at the rate of two and eighty-nine hundredths percent (2.89%) per annum and payable as follows:

(b)Installments of Principal and Interest in eleven equal payments of \$8,739.99 due on January 31, 2020, and on the same day(s) each third month thereafter, plus a final payment of the unpaid balance and accrued interest due on October 31, 2022. All payments include principal and interest.

Interest is payable on January 31, 2020 and on the same day of each third month thereafter. Interest is computed for the actual number of days principal is unpaid on the basis of a 360 day year. Said interest to be payable on the dates set forth above on the outstanding principal balance, with prepayment privileges on any principal or interest payment date on or after October 25, 2019. A copy of the promissory note shall be attached to this resolution.

Be It Further Resolved, that there be, and there hereby is, levied on all the taxable property of the Town, a direct annual irrepealable tax sufficient in amount to pay the principal and interest on said note as the same becomes due and payable, said tax to be in the following minimum amounts:

Amount of Tax (principal and interest)	To Meet Note Payments Due On	Year of Levy (must be in year(s) prior to due date)
\$34,959.96	4/31/20;4/30/20;7/31/20; & 10/31/20	For the year 2019
\$34,959.96	1/31/21;4/30/21;7/31/21; & 10/31/21	For the year 2020
\$34,959.96	1/31/22;4/30/22;7/31/22; & 10/31/22	For the year 2021

If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said note when due, the requisite amount shall be paid from other funds of the Town then available, which sums shall be replaced upon the collection of the taxes herein levied.

In the event that the Town exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

In each of said levy years, the direct annual tax so levied shall be carried into the tax rolls each year and shall be collected in the same manner at the same time as other taxes of the Town for such years are collected; provided, that the amount of tax carried into the tax roll may be reduced in any year by the amount of any surplus in the debt service account for the note. So long as any part of the principal of, or interest on, said note remains unpaid, the proceeds of said tax shall be segregated in a special fund used solely for the payment of the principal of, and interest on, said note.

Be It Further Resolved, that there be and there hereby is established in the treasury of the Town, if one has not already been established, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the Town may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there be there hereby is established a separate and distinct account designated as the "Debt Service Account for Promissory Note dated October 25, 2019", which account shall be used solely for the purpose of paying principal of and interest on said note. There shall be deposited in said account any accrued interest paid on said note at the time it is delivered to the Lender, all money raised by taxation or appropriated pursuant hereto, and such other sums as may be necessary to pay principal and interest on said note when the same shall become due.

Be It Further Resolved, that the proceeds of said note shall be used solely for the purpose for which it is issued, but may be temporarily invested until needed in legal investments, provided that no such investment shall be in such a manner as would cause said note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue code of 1986, as amended, or the Regulations of the Commissioner of Internal Revenue thereunder; and an officer of the Town, charged with the responsibility for issuing the note, shall certify by use of an arbitrage certificate, if require, that, on the basis of the facts, estimates and circumstances in existence on the date of the delivery of the note, it is not expected that the proceed swill be used in a manner that would cause said note to be an "arbitrage bond".

Be It Further Resolved, that the projects financed by the note and their ownership, management and use will not cause the note to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, and that the Town shall comply with the provision of the Code to the extent necessary to maintain the tax-exempt status of the interest on the note.

Be It Further Resolved, that the Town Clerk shall keep records for the registration and for the transfer of the note. The person in whose name the note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposed and payment of either principal or interest on the note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid. The note may be transferred by the registered owner thereof by presentation of the note at the office of the Town Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Town Clerk, shall be made on such note.

X Be It Further Resolved, that the note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income, for federal income tax purposed, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Be It Further Resolved, that the Town Officials are hereby authorized and directed, so long as said note is outstanding, to deliver to the Lender an audit statement or other financial information the Lender may reasonably request and to discuss its affairs and finances with the Lender.

Be It Further Resolved, that said note shall be delivered to the Lender on or after the date of said note, upon receipt of the total principal amount of the loan evidenced thereby, plus accrued interest, if any, to date of delivery, provided that, if this is a refinancing, the refunding note shall be immediately exchanged for the note being refinanced.

Clerk Brooker to call Patrick Nickel at mBank to set the loan in motion and work with a Board member to address doing the RFP's for the project.

Dot Certified Maps:

After discussion, it was determined that the Board needs to start working on the updates this winter in order to get things they would like to change done in time. Supervisor Schmidt made a motion to approve the current DOT certified maps as presented, Supervisor Wiggenhauser seconded, motion carried.

RFP for Building Design & Estimate for New Town Shop:

After discussion Supervisor Schmidt made a motion to advertise for a building design and estimate for a new Town Shop, Supervisor Wiggenhauser seconded, motion carried.

Multimodal Grant Application for Carl Eliason Street:

Chairman Maines stated that the Board needed to begin working on applying for the 90/10 Multimodal Road Grant for Carl Eliason Street. He suggested getting the proposal in by November some time. as the earlier you get it in the higher the chance of getting the Grant. December 6, 2019 is the deadline to apply. Supervisor Schmidt explained that the Engineer gave him a verbal quote but said he thought the Town could find a lower bid by working with local contractors. Supervisor Schmidt explained how the drainage would work and that the Town was hoping to be able to get property to have a place to drain the water to. He explained to Jessica from Traditions how the curbing would work. He said he also was told by the engineer that there's a sink hole to deal with. He stated the whole project would cost well over \$200,000. Supervisor Schmidt will follow up with the engineer to find out how much land will be needed for the drainage issue. He will also help Clerk Brooker with applying for the Grant.

Purchase of New John Deere Commercial Mower:

Lakeland Lawn & Equipment offered the Town \$18,900 trade in on the Kubota. The town would be buying two new mowers for the price of one. Net cost would be \$1,989 after trade in for the new mowers. Supervisor Schmidt made a motion to put it in next year's budget but withdrew that motion and made a motion to table it till the next budget meeting which will be October 15th, 2019. Chairman Maines seconded; motion carried. Supervisor Wiggenhauser will make a trip to the dealer to check out the mowers before the budget meeting.

New Motor for Ballard/Irving Aerator:

Chairman Maines said that he hadn't received any quotes yet from Joe Heitz for the new motor. Chairman Maines said he would call Joe Heitz and remind him that he needs to turn those bids in, hopefully by the next budget

meeting. Supervisor Wiggenhauser made a motion to table it till the next budget meeting, Supervisor Schmidt seconded, motion carried.

Setting Date(s) for Budget Workshops & Budget Hearing:

Budget Workshop dates were set for 10/15, 10/17, 10/22 and 10/24 at 4:30 pm. The Budget Hearing date was set for 11/19/2019 at 6:00 pm..

Approval of Peterson Metz Audit Engagement Letter:

Chairman Maines read the engagement letter from Peterson Metz. Price for an Audit was \$8,150, with an additional \$750 for forms CT and F65. Supervisor Schmidt made a motion to approve the Audit Engagement Letter sent by Peterson Metz. Chairman Maines asked for a second. He did not receive one. Supervisor Wiggenhauser asked if everyone was happy with Peterson Metz. After discussion, it was decided that Clerk Brooker would call Jon Troutman from the old accounting service that the Town had used (Schenck). She is to find out how much they would charge and how long it would take to set it up. Supervisor Schmidt's motion was tabled.

Approval of Cemetery Deeds for Joseph & Judith Lakota:

Chairman Maines asked the board for approval of cemetery deeds, Lot 142, Site B in the Sayner addition for Joseph & Judith Lakota. Supervisor Wiggenhauser made a motion to approve the sale of the cemetery deeds, Supervisor Schmidt seconded, motion carried.

Plum Ski-ers Request for Payment of Gravel Invoice from Trapp Brothers:

With no written documentation that the Town Board had preapproved the purchase of gravel at the Ski Site, Chairman Maines felt they needed to deny the request, or they would be setting a precedent for anyone to turn in an unapproved bill. Supervisor Schmidt made a motion to deny payment of the \$925.76 invoice for gravel submitted by the Plum Ski-ers. Supervisor Wiggenhauser seconded, motion carried. Clerk Brooker to send letter to the Plum Ski-ers explaining the reason for denial.

Request for Clerk to Provide Answering Service for Chamber of Commerce:

A representative from the Chamber presented a request for the Clerk to provide answering service for the Chamber of Commerce. The Chamber would pay for the extra line and pay the Clerk for her time. An estimate of about 12 to 15 calls per month was given. Supervisor Schmidt said he was against the Town getting involved and suggested that Clerk Brooker was busy doing Town business. The other Board members suggested finding other options too.

Opening Bids for Sale of Old Grader:

Clerk Brooker noted that this item would be taken care of on 10/15 at the Budget Meeting.

Snowmobile Access to a Portion of Froelich Dr. for Parking at Shepherd of the Lakes:

Chairman Maines stated after further consideration he was hesitant to approve this request, fearing that snowmobilers would continue on to either Kurtzweil Road or Hwy 155. Supervisor Schmidt said if they stayed on the existing route there shouldn't be a problem. After discussion, it was decided that Chairman Maines would call Bill Wendorf and suggest to him that he talk to the Barnstormers about his request.

Approve Vouchers for Payment and Financial Report:

Supervisor Schmidt made a motion to approve paying the vouchers in the amount of \$79,150.98. After discussion, the motion was seconded by Supervisor Wiggenhauser, carried.

Meeting was adjourned at 8:00 pm.

A voice recording of this meeting is available in the town office.

These minutes were taken at a Regular Town Board meeting held on the 8th day of October 2019 and were entered in this Record Book by: