



TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

**Minutes of the Town Board Meeting
Town of Lisbon, Town Hall
Monday, January 13, 2020
6:30 PM**

Roll Call. Present: Chairman Osterman, Supervisors Gamiño, Moonen and Beal. Also present: Gina Gresch, Town Administrator, Doug Brahm, Fire Chief and Joe DeStefano, Jr. Public Works Director. Absent Supervisor Plotecher.

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.

- December 9, 2019 Town Board meeting minutes
- Operator's Licenses
- Resolution 01-20, Resolution Approving the Lake Country Municipal Court Budget.
- Release of Surety Bond for BilCris Landscaping.
- Release of Surety Bond for Ausblick.
- "Class A" Retail Liquor License for Casey's General Store #3710, N56W22100 Silver Spring Drive, Heidi Marcyes, Agent.

Motion by Supervisor Gamiño to approve the Consent Agenda. Seconded by Supervisor Moonen. Motion carried, 4-0.

Approval of Bills.

Motion by Supervisor Beal to approve the January 9, 2020 check register as presented. Seconded by Supervisor Moonen. Motion carried, 4-0.

Announcements/Correspondence.

Chairman Osterman reviewed the list of upcoming Town meetings.

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

Town Administrator – Administrator Gresch stated OneClick has migrated the Town's website from the CivicPlus server to their own. It's on a new platform called WordPress that she needs to learn and once she has it down, she will teach others how to use it. It's so much easier to use than CivicPlus and is much more customizable. We are making small improvements a little bit at a time, rather than launching a totally new and different site. The functionality will improve as well as the look. She's excited to see how the website progresses into being more user friendly and interactive. Year-End tasks are going very well this year. 1099's were completed on January 7. We anticipate having W2's completed by the 17th. While going through these processes, she and the Deputy Clerk creating "How-To" guides on all year-end tasks so anyone who needs to do them, can have easy to read, color-coded instructions. This is another cross-training item we will have accomplished. Also, the December ACH AutoPay Monthly Checklist is included for your review.

Clerk - As most of you may already know there will not be a local primary election for the Supervisor position. Incumbents Linda Beal and Tedia Gamino have filed to another term. We have received a steady stream of absentee ballot requests as well as several inquiries as to the new polling location - with NO complaints! The work schedule for the poll workers is complete and training set. Even though the February Primary Election is 5 weeks out, he has already started on the April Spring Election. Rick looks forward to and has scheduled to start training with Natasha this week on the Clerk duties. He's enjoyed his time so far and looks forward to a very productive six months with the Town. Thank you to everyone for the warm and inviting welcome!

Public Works – Public Works Director DeStefano stated DPW staff has gone out more than five times so far for winter events, salt fill was received, hung snow fence, filled pot holes, installed signs in the Preserve at Harvest Ridge subdivision, cut down dead trees, performed culvert inspections on roads planned for the 2020 paving program and performed repairs and preventative maintenance on equipment. He has attended various meetings, assisted with the Village of Sussex Christmas tree, found 25 discounted snow fence rolls and attended crisis track training. He also met with Payne and Dolan to take a tour of the new compost site location.

Supervisor's Reports.

Unfinished Business.

Discussion and necessary action on request from David and Kim Meyer for a variance from the Town of Lisbon Fire Code, Section 34.20(e), regarding automatic sprinkler systems.

Chairman Osterman stated Attorney Gutenkunst issued a memo which has been distributed to the Town Board. Town Board members had discussion about what liability risks the Town takes on allowing this type of variance. They are more concerned about how the Fire Department feels about this. Chief Brahm stated he agrees with the Attorney's opinion. He would prefer a sprinkled building, but as long as all of her conditions are met, he is ok with the Town Board approving the variance. Chief Brahm stated there are other buildings in the Town that have different uses and are not sprinkled. It depends on the use and when the building was built. There are many safety precautions in the Attorney's letter, but nothing is as good as installing a sprinkler system.

Town Board members gave suggested conditions to add to the Attorney's letter, such as: not using real candles, no fireplace, no fireworks and no smoking near the building. Attorney Gutenkunst joined the meeting via telephone and stated the Town is allowed to be more restrictive than the state code. The Town Board's variance should be based on The Fire Chief's requirements and any additional conditions added by the Town Board. The actual variance is granted upon completion of the action items requested, as presented to Town Staff or Town Board. Chief Brahm stated if the Meyers choose not to comply with the conditions, occupancy wouldn't be granted anyway. Attorney Gutenkunst stated if the owners do open without occupancy, the Town will shut down the operation and issue citations.

Mrs. Meyer stated she would like to meet with the Fire Chief and Fire Marshal to review the list because there are items she has questions on. She agrees with the Town Board's additional conditions. Open flame and fireworks would never be allowed and there are designated smoking areas with adequate containers.

Motion by Supervisor Gamino to approve the request from David and Kim Meyer for a variance from the Town of Lisbon Fire Code, Section 34.20(e), regarding automatic sprinkler systems, subject to the following conditions, Chief Brahm and Fire Marshal Mertens' letters dated December 6, 2019, and change #3(7) and all changes discussed:

1. *As required by Town Code Section 34.20(e)(1) and to the satisfaction of the Town Board, Building Inspector, and Fire Prevention Bureau, the Meyers must provide:*
 - a. *A current LFD Plan Submittal Form;*
 - b. *All associated fees with the variance;*
 - c. *A formal letter of justification for the variance; and*
 - d. *A plan for creating an equivalent level of life safety to the building.*
2. *Satisfy all requirements set forth in the attachment to Fire Chief Doug Brahm's December 6, 2019 letter to the Town Board, which has also been endorsed by Building Inspector Bryan Oelhafen in his December 6, 2019 letter to the Town Board.*
3. *The Meyers' execution of an indemnity agreement, which would indemnify and hold the Town harmless for any injury to any person or any damage on the Event Barn property as a result of the Town Board approving this variance.*
4. *The Town adopt a resolution approving the variance upon satisfaction of the above conditions. The resolution and indemnity agreement are then recorded with the Register of Deeds to ensure that all party are on notice as to the Town's liability for approving this variance.*

Seconded by Chairman Osterman. Motion carried, 4-0.

New Business.

Discussion and necessary action for the 2020 Grinding Bid for Compost Site brush and yard waste.

Public Works Director DeStefano stated the Town used Waukesha Landscape Supply last season and everything went smooth. He obtained three estimates, all for grinding the brush and yard waste as well as hauling out excess wood chips. He recommends continuing with Waukesha Landscape Supply because they have a very reasonable rate.

Motion by Supervisor Moonen to approve the 2020 Grinding Bid for Compost Site brush and yard waste for Waukesha Landscape Supply, in an amount not to exceed \$8,000. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Discussion and necessary action to place the order for the new lockers for the DPW locker room from Axiom.

Public Works Director DeStefano stated we budgeted \$23,000 for upgrades to the DPW offices, break room, locker room and bathrooms. He received the estimate for the lockers from Axiom in Waukesha. The lockers are made by Spacesaver, which is a Wisconsin based company. The lockers come with a lifetime warranty if they are installed by Axiom, which is included in the lump sum price. They are roughly four months out and would like to get them ordered ASAP.

The rest of the DPW locker and lunch room remodel will be done by the DPW staff. The old lockers will be reused in the shop area. They also have already planned room for more lockers in the future as the department grows.

Motion by Supervisor Moonen to order new lockers for the DPW locker room from Axiom, Inc in an amount not to exceed \$9,080.28, using the carry-over funds. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Discussion and necessary action on the recommendation from the Plan Commission for the request from Jeremy Rush for the property located at N72W24740 Good Hope Road, LSBT 0203.994.005, for a Conditional Use Permit for a Bed & Breakfast.

Administrator Gresch stated this request is for a traditional bed & breakfast establishment at their home. The Applicant's home dates from 1846, and the rental unit is located in the top floor of the attached converted barn above an approved in-law suite. Guests are provided on-site parking. The Conditional Use Permit was reviewed and approved by the Plan Commission on November 14, 2019 and by the Lisbon-Sussex JPC on December 18, 2019 and is ready for approval. Once signed it will be recorded with the Waukesha County Register of Deeds.

Motion by Chairman Osterman to approve the recommendation from the Plan Commission for the request from Jeremy Rush for the property located at N72W24740 Good Hope Road, LSBT 0203.994.005, for a Conditional Use Permit for a Bed & Breakfast. Seconded by Supervisor Beal. Motion carried, 4-0.

Discussion and necessary action to appoint an Emergency Management Coordinator.

Administrator Gresch stated Wisconsin Emergency Management is asking for an updated list of the municipal Emergency Managers and we do not have one listed for the Town. It is a requirement of WI § 323 to have an Emergency Manager listed for each jurisdiction. The Town had appointed Bob Zimmerman a number of years ago but he recently passed away. While we work to find a replacement, she recommends appointing Fire Chief Doug Brahm as the Interim Emergency Management Coordinator. Chief Brahm has agreed to be appointed. Chief Brahm stated we haven't had an Emergency Manager that has been active for a while. The Town really should have one and it should not be the Fire Chief because he/she will have their own duties in an emergency situation. It should be someone with knowledge about state funding, grant writing, need NIMS training levels 100 through 400. They also need to know how to set up an emergency response center. The sooner we find someone the better.

Motion by Chairman Osterman to appoint Fire Chief Doug Brahm as the Interim Emergency Management Coordinator. Seconded by Supervisor Beal. Motion carried, 4-0.

Discussion and necessary action to adopt on the updated job descriptions for Town Hall, DPW and Park Department employees.

There is only one change to the Treasurer's Job Description. Page 2, under additional tasks and responsibilities, change the header where it reads "degree needed" to "minimum training and experience required".

Motion by Supervisor Gamiño to approve the updated job descriptions, for Town Hall, DPW and Park Department employees as presented and making the change discussed to the Treasurer's. Seconded by Supervisor Beal. Motion carried, 4-0.

Discussion and necessary action to adopt the updated Employee Handbook.

Section 5.06(D)(1) - Minimum Two Hour Overtime Call-In Pay. Public Works Director DeStefano stated that is overtime paid for being called in to do something out of the ordinary, outside of regular plowing work. Town Board members would like clearer verbiage regarding the types of instances an employee would receive this pay for.

Section 5.07(B) – Flex Time. Town Board members asked what the criteria is to be able to take flex time and how much are they allowed to take? Administrator Gresch stated flex time is usually taken when a salaried employee has more extra hours worked then normal and they are allowed to come in late or leave early. The time taken off is usually within a two week period or pay period, and it's usually no more than a couple of hours. She gave the example of an election. With all of the hours spend the upcoming days and working an 18 hour day, the day after the election all of the materials have to be packaged up a certain way, which takes until about Noon, then she would check her emails, voicemails, eat some lunch and return materials back to Waukesha County around 1:30pm, which takes at least an hour, depending on how long the line is, and would go home after that. Town Board members would like the Labor Attorney's opinion on this.

Section 5.12 – Accrued Vacation Hours Payment Upon Termination. Administrator Gresch stated they are only being paid out their earned and unused vacation time.

Section 15.02 – Weapons. The way the section currently reads, it does not allow a Concealed Carry Permit holder to have their weapon on them. They would like the Labor Attorney to review this section as well.

Administrator Gresch stated she will work on the changes with the Labor Attorney and bring them back to the Town Board.

Discussion and necessary action to adopt the newly created Employee Benefits Manual.

Supervisor Moonen stated the text refers to a "guide" rather than a "manual". That should be changed.

Supervisor Gamiño had to leave the meeting at 7:40pm. The Town Board recessed at 7:58pm. Attorney Hammes arrived at 8:01pm for the Closed Session part of the meeting.

Discussion and necessary action to enter into Closed Session pursuant to Wisconsin Statute 19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically more specifically the Lisbon-Merton Cooperative Boundary Agreement and the existing Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and Village of Sussex.

Motion by Supervisor Moonen to convene into Closed Session pursuant to Wisconsin Statute 19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically more specifically the Lisbon-Merton Cooperative Boundary Agreement and the existing Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and Village of Sussex. Seconded by Supervisor Beal. Motion carried 3-0 by roll call vote.

ROLL CALL VOTE:

Chairman Osterman: Yes

Supervisor Moonen: Yes

Supervisor Beal: Yes

The Town Board convened into Closed Session at 8:02pm.

Motion to re-convene into Open Session to take possible action, if necessary, on items discussed in Closed Session deliberations.

Motion by Supervisor Moonen to reconvene into Open Session for possible action on Closed Session deliberations. Seconded by Supervisor Beal, motion carried 3-0 by roll call vote.

ROLL CALL VOTE:

Chairman Osterman: Yes

Supervisor Moonen: Yes

Supervisor Beal: Yes

The Town Board reconvened into Open Session at 8:39 PM.

Adjournment.

Motion by Supervisor Beal to adjourn the Monday, January 13, 2020 Town Board of Supervisors meeting at 8:40 PM. Seconded by Supervisor Moonen. Motion carried, 3-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town Administrator