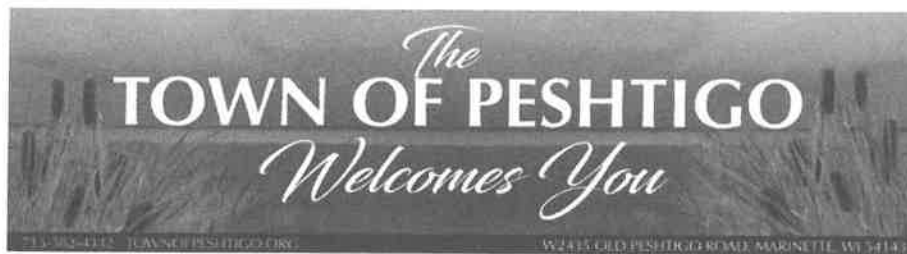


**7/18/23 Town of Peshtigo Monthly Board Meeting
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MEETING MINUTES
Town of Peshtigo Board Meeting
Tuesday, June 20, 2023 at 7 p.m.

- 1) Call to order: 6:00pm
- 2) Pledge of allegiance
- 3) Roll call: **All Present: Chairperson Friday, Supervisor Coble, Supervisor Wortner, Supervisor Furton, Supervisor Kowalski**
- 4) Verification that proper notice was given
- 5) Agenda approval: **Motion to approve by Coble/Second by Wortner. Motion carried with 5 yes.**
- 6) Motion & roll call vote to go into CLOSED SESSION pursuant to Wis. Stat. §19.85(1)(g) for the purpose of 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 involved.: **Motion by Wortner/Second by Coble to enter into closed session. Motion carried with 5 yes votes at 6:02pm, all members present.**
 - a. Grant & Eisenhower legal team discussion re: Tyco/JCI litigation.
 - b. Motion & roll call vote to return to Open Session: **Motion to return to open session by Coble/Second by Wortner at 6:57pm. Motion carried with 5 yes votes, all members present.**
- 7) Reconvene into regular board meeting at 7 p.m. or later
(recess until 7 p.m. if Closed Session concludes sooner): **Regular board meeting call to order at 7:00pm by Chairperson Friday.**
- 8) Announcements
 - a. Hiring of Lori Gross as Office Assistant, \$21/hour, start date 6/1
 - b. Recycling Center grant, Interim Clerk Okins
 - c. **Added: Governor Evers will be reviewing a letter this week to approve or deny supplemental funding to municipalities. Our Town Hall has a Peshtigo Food Pantry collection table available for resident donations. If residents pickup trash along any Town roadsides, please call the Town Hall to arrange for pickup of garbage bags.**
- 9) Minute Approval
 - a. 4/12/23 Special Board Meeting: **Motion by Furton to approve minutes/Second by Kowalski. Carried with 5 yes votes.**
 - b. 5/16/23 Regular Board Meeting: **Motion by Wortner to approve minutes/Second by Coble. Carried with 5 yes votes.**
- 10) Public Comment (state your name & address, limited to 3 minutes):
 - a. **Bruce Vogeltanz commented on the boat landing on today's agenda that he has cut and maintained it for 5 years now, concrete is busted, rebar sticking out of concrete, and large branches hanging.**
 - b. **Julie Beyer thanked the board for giving out preliminary documents regarding to the meeting. She also stated that she appreciates the mowing job done on Rader Road.**
 - c. **Trygve Rhude stated that agenda #23 math does not add, stating both \$37,000 and \$35,000. He also mentioned there were 5 items over the \$5,000 limit and that some businesses may feel harm by not going out for bids. He encouraged the board to keep the boat launch as a public launching site and continue litigation with JCI.**
 - d. **Cindy Baur encouraged the board to use APPA funds to fund the new fire department truck, as previously petitioned. She also stated that the board should use the purchase policy to bid things fairly and asked that we continue in litigation with JCI.**



e. Candy Buchenauer stated that the Town cannot let actions of Friday and Beatty continue toward Wiedemeier. She believes Friday has allowed the Town budget to go downhill, let committees go, have invitation only Q&As in her 3 meetings thus far. She begged the Town to stick together and bring the lawsuit to referendum.

f. Dr. Tandias believes the PFAS contamination will continue and he feels as though Friday's previous annexation attempt was a selfish act. He believes more testing is needed.

g. Connie Hass is troubled by Wortner shouldering the roads at \$37,000 and that he didn't follow the Town procedures for receiving 2 bids, since Road King is already familiar with the process.

h. Connie Hass also spoke on behalf of Betsy Jaeger, stating it's the Chairperson's responsibility to ensure ordinances are followed and that she is concerned with the ethics of supervisors concerning culvert work.

i. Jim Bohr stated that he would like to see the Town continue in the lawsuit and that we only have one shot at getting this right.

11) Department Head Reports

a. Fire Department: Chief Folgert gave FD report

b. Constable: Chairperson Friday gave Constable report

12) Treasurer Report/Investment Report/Budget YTD vs Actual/Budget Amendments

13) Approve Vouchers & Payments of Bills: Motion made by Furton/Second by Wortner to approve vouchers and payment of bills. Motioned carried with 5 yes votes.

14) Fire Engine Funding, ARPA allocation discussion with possible action: Coble motion to approve allocating \$100,000 of ARPA funds toward the Fire Department's new fire engine, plus an additional \$50,000 out of LGIP Capital Outlay which would either go into an 18 month CD or be paid directly to Pierce (whichever is greater savings/more benefit to the Town)/Second by Furton. Motion carried with 5 yes votes.

15) Approval of liquor license renewals: Coble motioned to approve/Second by Wortner. Motion carried with 5 yes votes.

16) Appoint Kayla Okins as Clerk with contract approval: Motion to appoint clerk as of 6/20/2023 and approve contract by Furton/Second by Kowalski. Motion carried with 5 yes votes.

17) Technology update

a. iPads – 2, iPhones – 2 for sale, discussion with anticipated action: A motion was made by Wortner to approve the sale of unused Town devices, via the Peshtigo Times and Town website/Second by Coble. Motion carried with 5 yes votes.

b. Internet & Phone Service, review Spectrum proposal with possible action: Motion was made by Furton/Second by Coble to approve transferring Town Hall internet and phone services to Spectrum with increased speeds/quality guaranteed. Motion carried with 5 yes votes.

18) Town Attorney update: Friday updated that Attorney Spangenberg will remain as Interim Attorney at \$185/hour.

19) Approve Board of Review Ordinances and Policies as reviewed/revised by Attorney Spangenberg

a. Ordinance Amending Section 2-495(a) of the Code of Ordinances Board of Review-Membership of Board Ordinance #202305-03: Motion to approve by Wortner/Second by Coble. Motion carried with 5 yes votes.

b. Ordinance Creating Section 2-500 of the Code of Ordinances Board of Review- Confidentiality of Income Information Ordinance #202305-04: Motion to approve by Wortner/Second by Coble. Motion carried with 5 yes votes.

c. Board of Review Policy on Procedure for Sworn Telephone or Sworn Written Testimony Requests: Motion to approve by Wortner/Second by Kowalski. Motion carried with 5 yes votes.

d. Board of Review Policy on Procedure for Waiver of Board of Review Hearing Requests: Motion to approve by Wortner/Second by Coble. Motion carried with 5 yes votes.



- 20) Amendment to the ATV Regulation Ordinance 2019-601: **H(2) Motion made by Wortner/Second by Kowalski to approve amendment to ordinance, with removal of H(8) "and/or brake lights" per Coble as it is now a law. Motion carried with 5 yes votes.**
- 21) Renewal of UES Technologies Network Service Contract: **Contract decreased in price. Motion to approve by Wortner/Second by Coble. Motion carried with 5 yes votes.**
- 22) Ad hoc Committee updates
- a. Capital Improvement Plan – Supervisor Furton: **Furton updated that she will be working with Coble to schedule a meeting regarding the Recycling Center.**
 - b. CDBG-CV – Chairperson Friday, Treasurer Maney: **Maney updated that our 1st grant disbursement check is coming.**
 - i. Town Hall Remodel update – Supervisor Coble: **Coble stated that we have received an extension on the Town Hall remodel and that we will be holding off on roof repairs until the new rooftop units are installed.**
- 23) Road Work/Maintenance Bidding Requirements, communication with Wisconsin Towns Association: **Furton presented a handout citing Wis. State Statute 60.47 and advised we work with Delmore for consulting, decisions, and priorities.**
- 24) Discuss purchase policy proposed changes with potential action: **Friday tabled until purchasing clarification is given by Wisconsin Towns Association.**
- 25) Standing Committee – Buildings & Grounds: Chairperson Coble, Vice Chairperson Wortner
- a. Town of Peshtigo Boat Launch area near N2078 Shore Drive property: **Discussion re: safety issues, resident Mark Monnette suggested checking with DNR the capability of closing a Bay access prior to any permanent closure, Friday recommended at minimum a sign stating closure due to safety issue, Furton motioned installing a "boat launch closed due to safety issue" sign/Second by Coble. Motion carried with 5 yes.**
- 26) Standing Committee – Recycling Center: Chairperson Coble, Vice Chairperson Furton
- a. Hiring of per diem worker, discussion with potential action: **Coble motioned to place an ad in the Peshtigo Times to hire an "as needed" employee for the RC/Second by Furton. Motion carried with 5 yes votes.**
- 27) Standing Committee – Roads & Ditches: Chairperson Wortner, Vice Chairperson Kowalski
- a. Update on completed & proposed work
 - i. Approve Affordable Tree Service for tree trimming/maintenance: **Wortner motioned to approve Affordable Tree Service NTE \$25,000 for tree trimming and maintenance/Second by Coble. Furton opposed. Motion carried with 4 yes votes.**
 - ii. Approve Marinette County Madsen Road work: **Motion made by Wortner to approve an estimate of \$21,500 by Marinette County to do Madsen Road and Marinette County to wedge for double chip seal on Krause and Keller, and Spitzmacher Roads for under \$5,000/Second by Coble. Motion carried with 5 yes. Wortner also updated on talking with Delmore and the Marinette County Highway Commissioner regarding the TRIP grant available next year.**
- 28) Grants including \$1.667 million Federal Grant Funds update from Supervisor Furton, UW-Madison Grant Writing email with Supervisor Furton, Thriving Earth Exchange discussion with Chairperson Friday, Utility District with Strand Engineering discussion with potential action: **Furton suggested board vote to set boundaries and chart of account, as well as schedule meetings. Friday tabled.**
- 29) Discussion and potential action arising from Closed Session meeting with Grant & Eisenhower legal Team: **No action was taken in closed session.**
- 30) Next Regular Board Meeting: **Tuesday, July 18, 2023 at 7 p.m.**



31) Motion to Adjourn: **Motion to adjourn at 8:48pm made by Wortner/Second by Coble. Motion carried with 5 yes votes.**

Kayla Okins, Clerk 06/29/2023

**Town of Peshtigo Fire Department Report to the Town Board
July 18, 2023**

7 Calls since the June 20th, 2023 Monthly Town Board meeting:

6/20/23	County B at Schacht Rd., Vehicle Crash
6/21/23	Little River Boat Landing Parking Lot, Motorcycle Fire
6/22/23	N380 Harbor Rd., Possible Boat in Distress (No Incident Found)
6/22/23	N3275 County RW, Downed Powerlines
7/2/23	N3707 Kozuzek Rd., Pool Deck Fire
7/4/23	N1820 County BB, Carbon Monoxide Alarm
7/5/23	W1679 Old Peshtigo Rd., Downed Tree and Powerlines

Apparatus and Equipment Status:

- All apparatus is functioning properly and up-to-date on current maintenance.
- A new back-up camera was installed on Brush-1.
- Station air compressor regulator has been repaired.

Training:

- July training included water rescue drills with our rescue boat and the operation of a new master stream nozzle that was recently purchased.
- Both the chief and assistant chief attended the Wisconsin State Fire Chief's annual convention in Wisconsin Dells.

Fire Prevention and Education:

- Spring fire code inspections have been completed for all business occupancies. 70 inspections were conducted with 48 fire code violations noticed.
- We are beginning a new fire safety program to provide free installation of smoke alarms to at-risk households within the Town of Peshtigo. This program is being made possible thanks to a partnership with the Professional Firefighters of Wisconsin Charitable Foundation and a grant from FEMA. We received a supply of over 50 smoke alarms which will be given out and installed in homes based on need.
- We participated in the Marinette Logging Fest Parade with an engine and brush truck with rescue boat and six firefighters.

Personnel:

- Our current roster stands at 22 volunteer firefighters.
- We are currently accepting applications for new firefighters.

Mike Folgert
Fire Chief



Constable Report
June 2023

6/4/2023 Keller Road for dog complaint, Sheriff was there on 6/3/2023

6/7/2023 Oakwood Beach Road for fencing complaint

6/20/2023 Leaf Road for junk cars, subsequently removed

6/26/2023 Woodland Road, warning to comply with fencing code

TREASURER'S REPORT

6/30/2023

MONTHLY ACTIVITY	5/31/2023	6/30/2023
BMO Checking Account *7013	\$ 29,994.65	\$ 25,138.04
BMO Platinum MM *6811	43,558.39	25,714.64
PNB Checking - CDBG	5.00	6.71
BMO Payroll Checking *7734	3,386.49	3,385.80
Change Fund	215.00	215.00
Receipts		107,323.97
Voided, Reuter, Whitish & Evans, S.C.		
Disbursements		(130,023.31)
Transfers		
Undeposited Funds-Deposit in Transit		-
TOTALS	\$ 77,159.53	\$ (22,699.34) \$ 54,460.19

LOCAL INVESTMENTS

	Due	5/31/2023	6/30/2023
Stephenson National (FD)	11/22/2023	\$ -	\$ -
Stephenson National (RD)	11/22/2023	158,644.36	158,644.36
Stephenson National (CO)	11/22/2023	105,762.89	105,762.89
			\$ 264,407.25

LOCAL GOVERNMENT INVESTMENT POOL (LGIP)

	5/31/2023	6/30/2023
Fire Dept. Equip.	\$ 250.04	\$ 251.09
Roads	92,362.98	92,749.18
Capital Outlay-Mach. & Equip.	119,180.57	69,651.02
Recycling	11,498.38	11,546.46
ARPA	270,915.37	144,560.90
CD - BMO		150,000.00
TOTAL		\$ 468,758.65

TOTAL INVESTMENTS 733,165.90

TOTAL CASH & INVESTMENTS \$ 787,626.09

National Union Fire Insurance Company of Pittsburgh, Pa.

Administrative Office: 1271 Ave of the Americas, Fl 37 | New York, NY 10020 | 212.458.5000
(a capital stock company, herein referred to as the Company)

SCHEDULE OF COVERAGE - VOLUNTEER

Policy Number: VFP-4250-1229E-8

Policyholder: Group Insurance Trust (Delaware)

Participating Organization: TOWN OF PESHTIGO
(Name and Address) W2435 OLD PESHTIGO ROAD
MARINETTE, WI 54143-0000

Policy Effective Date: 5/1/2023 Term: 1 Year

Policy Termination Date: 5/1/2024 Premium: \$1,281

This Schedule of Coverage provides only those benefits that have a specified amount entered opposite the name of the benefit. Benefits that are followed by the word "none" are not provided under this policy.

PART COVERAGE

I. Loss of Life Benefits

A. Accidental Death Benefits

(1) Accidental Death Benefit Amount	\$100,000
(2) Seat Belt Benefit Amount	\$25,000
(3) Safety Vest Benefit Amount	\$25,000
(4) Military Death Benefit Amount	\$15,000

B. Illness Loss of Life Benefit Amount

\$100,000

C. Dependent Child and Education Benefit Amount

\$30,000

D. Spousal Support and Education Benefit Amount

\$15,000

E. Memorial Benefit Amount

\$5,000

F. Dependent Elder Benefit Amount

\$5,000

G. Repatriation Benefit Amount

\$2,500

II. Lump Sum Living Benefits

A. Accidental Dismemberment and Paralysis Benefit Principal Sum

\$100,000

B. Vision Impairment Benefit Principal Sum

\$100,000

C. Injury Permanent Impairment Benefit Principal Sum

\$100,000

D. Heart Permanent Impairment Benefit Principal Sum

\$100,000

E. Illness Permanent Impairment Benefit Principal Sum

\$100,000

F. Cosmetic Disfigurement Resulting From Burns Benefit Principal Sum

\$100,000

G. HIV Positive Lump Sum Living Benefit Principal Sum

\$100,000

III. Weekly Income Benefits

- A. Total Disability Benefits
(1) Total Disability Weekly Amount (first 28 days) \$100
(2) Total Disability Maximum Weekly Amount (after 28 days)..... \$300
(3) Total Disability Minimum Weekly Amount..... \$25
- B. Partial Disability Benefits
(1) Partial Disability Weekly Amount (first 28 days)..... \$50
(2) Partial Disability Maximum Weekly Amount (after 28 days)..... \$150
(3) Partial Disability Minimum Weekly Amount..... \$13
- C. Disability Benefits General

IV. Occupational Retraining Benefit Maximum Amount \$20,000

V. Weekly Injury Permanent Impairment Benefit..... ☒ Yes ☐ No

VI. Medical Expense Benefits

- A. Medical Expense Benefit Maximum Amount..... \$2,500
Medical Expense Benefit Options
(1) Excess of Workers' Compensation or No-Fault Auto Insurance Benefits..... ☒
(2) Primary Medical Expense Benefit..... ☐
- B. Cosmetic Plastic Surgery Maximum Amount \$25,000
- C. Post-Traumatic Stress Disorder Maximum Amount..... \$25,000
- D. Critical Incident Stress Management Maximum Amount \$25,000
- E. Family Expense Benefit Amount (per day)..... \$100
- F. Family Bereavement and Trauma Counseling Benefit Amount (per person)..... \$1,000

VII. Transition Benefit..... ☒ Yes ☐ No

VIII. Felonious Assault Benefit Amount..... \$50,000

IX. Home Alteration and Vehicle Modification Benefit Maximum Amount..... \$50,000

X. Optional Benefits

- A. Weekly Hospital Benefit Amount..... NONE
- B. First Week Total Disability Benefit Amount..... NONE
- C. Coordinated 28 Day Total Disability Benefit Amount..... NONE
- D. Extended Total Disability Benefit ☐ Yes ☒ No
- E. Long-Term Total Disability Benefit ☐ Yes ☒ No
- F. Cost Of Living Adjustment (COLA) Benefits
(1) Weekly Injury Permanent Impairment COLA ☐ Yes ☒ No
(2) Long-Term Total Disability COLA..... ☐ Yes ☒ No
- G. Extra Expense Benefit
Extra Expense Benefit Monthly Amount..... \$500
Extra Expense Benefit Maximum Amount \$12,000
- H. 24-Hour Accident Benefit Amount..... NONE
- I. Off-Duty Accident Benefit Amount NONE



**AN ACCIDENT & SICKNESS INSURANCE PROPOSAL
PREPARED FOR:**

TOWN OF PESHTIGO
W2435 OLD PESHTIGO ROAD
MARINETTE, WI 54143-0000

PRESENTED BY: THE HORTON GROUP INC
10320 ORLAND PARKWAY
ORLAND PARK, IL 60467

DATE PREPARED: April 14, 2023

This proposal is valid for 90 days.

Prepared For: TOWN OF PESHTIGO



VOLUNTEER BASIC BENEFITS	Quote Number:	233707	233708
Loss of Life Benefits			
Accidental Death Benefit Amount.....		\$100,000	\$100,000
Seat Belt Benefit Amount.....		\$25,000	\$25,000
Safety Vest Benefit Amount.....		\$25,000	\$25,000
Military Death Benefit Amount.....		\$15,000	\$15,000
Illness Loss of Life Benefit Amount.....		\$100,000	\$100,000
Dependent Child & Education Benefit Amount.....	Per Dependent Child	\$30,000	\$30,000
Spousal Support & Education Benefit Amount.....		\$15,000	\$15,000
Memorial Benefit Amount.....		\$5,000	\$5,000
Dependent Elder Benefit Amount.....	Per Dependent Elder	\$5,000	\$5,000
Repatriation Benefit Amount.....		\$2,500	\$2,500
Lump Sum Living Benefits			
Accidental Dismemberment & Paralysis Benefit.....	Principal Sum	\$100,000	\$100,000
Vision Impairment Benefit.....	Principal Sum	\$100,000	\$100,000
Injury Permanent Impairment Benefit.....	Principal Sum	\$100,000	\$100,000
Heart Permanent Impairment Benefit.....	Principal Sum	\$100,000	\$100,000
Illness Permanent Impairment Benefit.....	Principal Sum	\$100,000	\$100,000
Cosmetic Disfigurement Resulting from Burns Benefit.....	Principal Sum	\$100,000	\$100,000
HIV Positive Lump Sum Living Benefit.....	Principal Sum	\$100,000	\$100,000
Weekly Income Benefits			
Total Disability Benefit Weekly Amount (first 28 days).....		\$500	\$500
Total Disability Benefit Maximum Weekly Amount (after 28 days).....		\$500	\$1,000
Total Disability Minimum Weekly Amount.....		\$125	\$125
Partial Disability is equal to 50% of Total Disability Benefit Limit			
Occupational Retraining Benefit.....	Maximum Amount	\$20,000	\$20,000
Weekly Injury Permanent Impairment (Lifetime) Benefit.....		Included	Included
Medical Expense Benefits			
Benefits Paid: Excess of Workers' Comp			
Medical Expense Benefit.....	Maximum Amount	\$2,500	\$2,500
Cosmetic Plastic Surgery Benefit.....	Maximum Amount	\$25,000	\$25,000
Post-Traumatic Stress Disorder Benefit.....	Maximum Amount	\$25,000	\$25,000
Critical Incident Stress Management Benefit.....	Maximum Amount	\$25,000	\$25,000
Family Expense Benefit Amount.....	Per Day	\$100	\$100
Family Bereavement & Trauma Counseling Benefit.....	Per Person	\$1,000	\$1,000
Transition Benefit.....		Included	Included
Felonious Assault Benefit.....	Amount	\$50,000	\$50,000
Home Alteration & Vehicle Modification Benefit.....	Maximum Amount	\$50,000	\$50,000
Volunteer Basic Premium for 1 Year		\$1,512	\$1,922

Prepared For: TOWN OF PESHTIGO

VOLUNTEER OPTIONAL BENEFITS (ANNUAL PREMIUM SHOWN)	Quote Number: 233707		233708	
	Limit	Premium	Limit	Premium
Weekly Hospital Benefit Amount.....	Not Incl.		Not Incl.	
First Week Total Disability Benefit Amount.....	Not Incl.		Not Incl.	
Coordinated 28 Day Total Disability Benefit Amount.....	Not Incl.		Not Incl.	
Weekly Injury Permanent Impairment COLA.....	Not Incl.		Not Incl.	
Extended Total Disability Benefit.....	Not Incl.		Not Incl.	
Long-Term Total Disability Benefit.....	Not Incl.		Not Incl.	
Long-Term Total Disability COLA.....	Not Incl.		Not Incl.	
Extra Expense Benefit.....		\$88		\$88
Extra Expense Benefit Monthly Amount.....	\$500		\$500	
Extra Expense Benefit Maximum Amount.....	\$12,000		\$12,000	
24-Hour Accident Benefit - Injury Only.....	Not Incl.		Not Incl.	
Off-Duty Accident Benefit - Injury Only.....	Not Incl.		Not Incl.	
Organized Team Sports Benefit Rider.....				
Accidental Death & Dismemberment Benefit Amount*.....	Not Incl.		Not Incl.	
Total Disability Benefit Maximum Weekly Amount*.....	Not Incl.		Not Incl.	
Medical Expense Benefit Maximum Amount*.....	Not Incl.		Not Incl.	
Policy Amendment Rider.....	Not Incl.		Not Incl.	

* Since these benefits are based on exposures (e.g. number of persons, type of activity, type of league) premium may vary annually based on differences in exposure.
Please Note: Coverage provided under the optional 24-Hour / Off-Duty AD&D benefit requires a Roster listing the covered members.

Total Volunteer Basic and Optional:		
Premium for 1 Year	\$1,580	\$1,990

This proposal is only a brief description of the coverage(s) available under policy series V50000. The policy contains reductions, limitations, exclusions and termination provisions. Full details of the coverage are contained in the policy. If there are any conflicts between this proposal and the policy, the policy shall govern. The policy is underwritten by National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania domiciled insurance company, with its principal place of business at 1271 Ave of the Americas, FL 37, New York, NY 10020-1304. The company is currently authorized to transact business in all states and the District of Columbia and is identified by NAIC No. 19445.

MEMBER FAMILY ASSISTANCE PROGRAM FEE: \$284



Spangenberg
Law Offices, LLC

2020 Ella Court
P.O. Box 1010
Marinette, WI 54143

David P. Spangenberg, JD, MBA

Telephone: 715-732-3535
Facsimile: 715-732-3675
E-mail: David@dspanglaw.com

June 21, 2023

City of Peshtigo
331 French Street
Peshtigo, WI. 54157

Town of Peshtigo
W2435 Old Peshtigo Road
Marinette, WI 54143

Re: PERSONAL AND CONFIDENTIAL
Waiver of Potential Conflict of Interest

Dear Mayor Malke and Chairman Friday:

Upon my recent agreement to act as an interim town attorney for the Town of Peshtigo while also representing the City of Peshtigo, I had previously obtained a waiver of a potential conflict of interest from the Town and City back in July of 2019 when I was acting as the town attorney concerning the PFAS issue which is still ongoing. I believe the same facts and issues apply today. The letter I sent at that time contained the information outlined below. Please review the same, and if approved, please post this item on the next agenda for approval by your respective governing bodies. If approved, then execute the document where indicated and return to my office. Should you have any questions, please do not hesitate to contact me. Thank you.

This letter will confirm and is a follow up to my discussions with you concerning my representation of both the City of Peshtigo and the Town of Peshtigo, individually, with respect to the Tyco PFAS contamination issue. It is my understanding and belief that the interests of both the City and the Town are generally consistent concerning this issue. Therefore, there appears to be no current conflict of interest in my representing both entities.

In representing both municipalities, I cannot and will not advise either of you as to any matter which may adversely affect the other. Dual representation also includes the risk of future conflicts of interests as further discussed below. However, my representation of both entities may have some benefits including a more complete understanding of the situation and an avoidance of duplication of effort which could translate to lower attorney fees.

City of Peshtigo
Town of Peshtigo
June 21, 2023
Page 2

Notwithstanding the above, we have **acknowledged** and understand that **differences** may exist or become evident during the course of my **representation** of both entities in trying to resolve the issue. A potential conflict of interest that might arise includes, but is not limited to, negotiations to provide water from the City to the Town and related issues such as costs, annexation, and similar issues. In addition, it is possible that a circumstance could arise where my continuing representation could not occur without it adversely affecting one of the municipalities. Should this happen, I would be forced to terminate my representation of both municipalities which would require you to hire independent counsel.

Neither of you should assume that **anything** you say in my joint representation of you will be held in confidence from the other as I have a **legal and ethical** duty to tell the **other anything** that one of you tells me in confidence. I am assuming that any discussions and negotiations between the City and the Town concerning the respective interests of each will be done openly.

Having been fully informed of the conflict of interest and my reasonable belief that I will be able to provide representation to both the City and Town of Peshtigo, notwithstanding the potential conflict of interest, and further having been informed that you have the right to seek other counsel to represent the municipality, you consent to my continued representation of both the City and Town of Peshtigo.

Assuming the foregoing accurately reflects your understanding and agreement, please execute the following waiver form:

WAIVER OF CONFLICT OF INTEREST

We, the City of Peshtigo and the Town of Peshtigo, hereby acknowledge that the foregoing letter has been carefully read and we agree with its contents. Additionally, we understand and acknowledge that our respective interests, although aligned at the moment, could become adverse thus creating a conflict of interest in utilizing the same attorney. We nevertheless knowingly and voluntarily consent to representation by Spangenberg Law Offices, LLC, by David P. Spangenberg and waive any conflict of interest. We further expressly acknowledge that we have been given the opportunity to consult with independent counsel in connection with the advisability of waiving any potential conflict of interest. Finally, we have been given the authority by our respective governing bodies, at a meeting called specifically for that purpose, to execute this document on behalf of our town or municipality.

Dated: _____

Dated: _____

Mayor Cathi Malke
City of Peshtigo

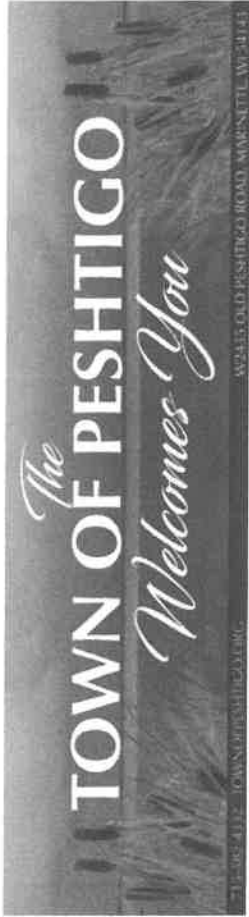
Chairperson Jennifer Friday
Town of Peshtigo

ATTEST:

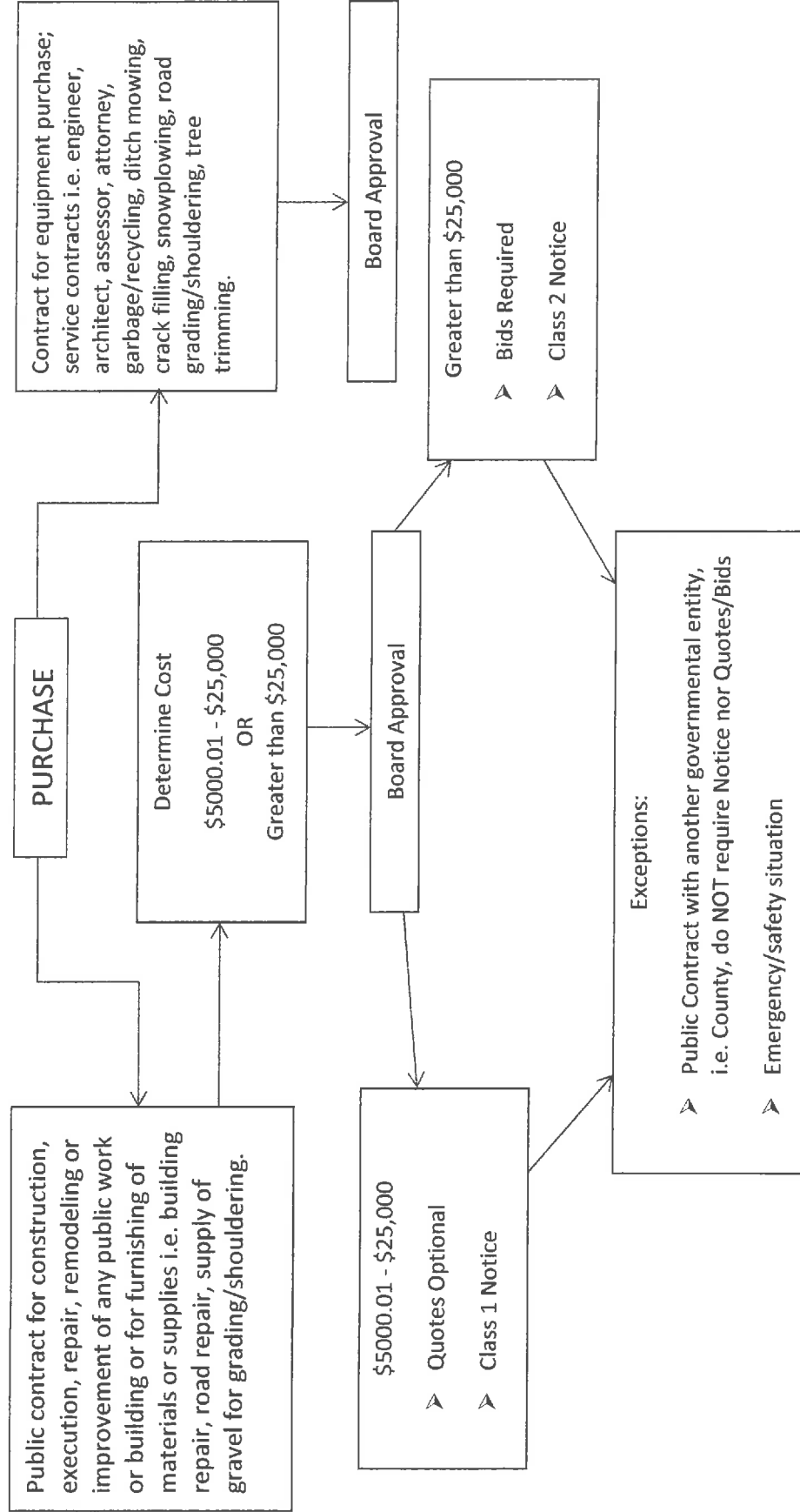
ATTEST"

Tammy Kasal, Clerk-Treasurer
City of Peshtigo

Kayla Okins, Clerk
Town of Peshtigo



Purchase Algorithm



Refer to Wisc. Stat. § 60.47, § 985.01, Wisconsin Towns Association Information Library at www.wisctowns.com

Quotes from two documents in the Town Board Packet tonight: the Purchase Algorithm and Roadwork Bidding Requirements:

"Services include road grading, tree cutting, shouldering and do NOT require bids nor class 1 notice."

"Contract for equipment purchase; service contracts i.e. engineer, architect, assessor, attorney, garbage/recycling, ditch mowing, crack filling, snowplowing, roadgrading/shouldering, tree trimming do not require bids nor class 1 notice."

Wisconsin Towns Association input:

Hi Kayla,

Where did you pull these quotes from? This is not accurate. Wis. Stat. s. 60.47 provides the definition of a "public contract" that is subject to the statutory bidding rules. Under s. 60.47(1)(a), "'Public contract' means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost greater than \$5,000."

A contract that was purely for services, such as snowplowing or engineering services, or a contract for a piece of equipment, such as a fire truck, would not be subject to bidding. But road grading, shouldering, and crack filling are *not* services - those are repairs/improvements to public roads that require both construction work and materials. Therefore, those contracts are subject to bidding under s. 60.47.

See attached for more information.

Sincerely,

Lara

Lara Carlson

WTA Legal Counsel

www.wisctowns.com



Competitive Bidding

This is the time of the year when most municipalities are purchasing equipment, supplies and services to improve their roads. It is this activity that causes our officials to ask a number of questions which this article addresses below.

Q: When must a town bid out a project?

A: Pursuant to s. 60.47(2)(b), Wis. Stats., a town must request a sealed bid on a public contract that will exceed \$25,000.

Q: What is a public contract?

A public contract is defined as “a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost greater than \$5,000.”

Q: What are the bidding requirements?

A: If a public contract is \$5,000 or less, no bidding is required.

If a public contract is between \$5,000.01 and \$25,000, no bidding is required. However, a town must provide a Class 1 notice of the proposed construction (one insertion) under chapter 985, Wis. Stats., to the public at least 7 days before the board enters into the contract with the contractor. Since the Class 1 notice falls under Chapter 985, Wis. Stats., a town has the option to publish the notice in a qualified newspaper, post the notice in three public places, *or* post the notice in one public place and on the town hall door. The notice is meant to inform the public that the board will be entering into a contract with the contractor for a specific public project in an amount not exceeding \$25,000.

If a public contract will exceed \$25,000, bidding is required and a town must accept the bid from the lowest responsible bidder. The bids must be sealed and may not be opened in advance. A Class 2 notice (two insertions) must be provided to the public prior to the deadline for receiving bids. The first notice must be published at least 14 days prior to, and the second notice must be published at least one week prior to, the bid deadline. While the Class 2 notice falls under Chapter 985, Wis. Stats., and technically, could be posted versus published, the WTA recommends that a town publish the bid notice in a qualified newspaper in order to provide notice to as many potential bidders as possible. Moreover, some bids notices, such as those required on Local Road Improvement projects, **must** be published in the newspaper in order to qualify for the grant money. Finally, while it is not legally required, a town also has the option to mail or e-mail a notice to a potential contractor or publish it in a trade journal.

Q: What should the board do if no one submits a bid on a public contract?

A: If the public contract will exceed \$25,000, it should re-advertise for bids. As mentioned above, a town has the option to mail or e-mail the notice directly to potential bidders or publish it in a trade journal. So it may just require a bit more effort and creativity to make potential bidders aware of the project.

Q: If the lowest bid does not meet the specifications of the bid notice, can the board reject that bid?

A: Yes. Pursuant to s. 66.0901(4), Wis. Stats., if the bid does not adequately respond to the specifications requested in the bid notice, a board does have the option to “reject or disregard the bid.” Also, bid notices should always indicate that the town reserves the right to reject any and all bids to cover this type of situation.

Q: Can a town give preference to bids submitted by local contractors?

A: Pursuant to s. 66.0901(1m)(b), Wis. Stats., preference may *not* be given to local contractors.

Q: Does the purchase of equipment or services fall under the definition of a “public contract?”

A: No. A contract for the purchase of services, such as for garbage and recycling, snowplowing, ditch mowing, crack filling, engineering, architectural, legal, assessing and inspections, is not required to be bid out. In addition, the purchase of a piece of equipment, such as a fire truck, snowplow, dump truck, grader, or other vehicle, is not required to be bid out.

Q: If a bid is not required, how does a town go about making that type of purchase?

A: If the purchase is not a public contract exceeding \$25,000, a town may request an estimate or proposal from a vendor or vendors and then consider that proposal at a properly noticed meeting. In obtaining these proposals, a town has the option to publish or post the notice for proposal or request them directly from the vendor. While a town is not required to publish or post a notice, the WTA recommends using a competitive process, including a deadline for the submission of proposals or estimates. Additionally, the WTA recommends including the following language in the notice for the proposal or estimate “The town reserves the right to reject any and all proposals, and to accept the proposal most advantageous to the town, even if that proposal is not the lowest in cost.”

Q: What types of activities are exempt from public bidding?

Pursuant to s. 60.47(4), Wis. Stats., a public contract entered into with another governmental entity (i.e. county, village, city, town) is exempt from the public bidding requirement. Additionally, a public contract for the repair and construction of a public facility that has been damaged and creates a threat to the public’s health or safety, is not required to be bid out, provided the town board has declared the facility to be a safety threat via adoption of a resolution. Finally, when all materials are being donated or when volunteers are completing the labor on a public contract, public bidding is not required. See s. 60.47(5), Wis. Stats.

RE: 05-23-23 - Jennifer F - Purchase Policy - Carol

Carol Nawrocki <carol.nawrocki@wisctowns.com>

Thu 6/22/2023 11:30 AM

To: Town of Peshtigo Chair <topchair@townofpeshtigo.org>

Cc: Lara Carlson <lara.carlson@wisctowns.com>

Hi, Jennifer,

Thanks for reaching out. The first thing to remember about public bidding is that the statute is pretty brief and doesn't provide specific examples. So, there is a lot of room for interpretation amongst attorneys and some questions/issues don't get conclusively resolved until someone is sued and then the court answers the question. For that reason, we tend to be very conservative in our interpretation of the statute. It's not unusual to be uncertain about whether to bid something out. When in doubt, it's always best to bid. In the end, your board will have to decide (perhaps with the advice of your town attorney) whether to bid something out or not. It's important to remember that we are not your town attorney and cannot give specific legal advice. We can only provide general legal information.

In general,

1. Road grading often doesn't involve adding new material to the road. The grader is redistributing the existing material that is already there and getting rid of ruts. Some places grade highly traveled roads every week to ten days, etc. To me, this is more like snow removal where the road itself is not actually "improved". If your grading operations involve the purchase/addition of new material for the road or other "improvements" to the road, bidding might be necessary.
2. Shouldering could be a project if you are adding new material and making actual improvements to the road.
3. In the past, crackfilling has been argued to be a service because it's impossible to know how much product will be needed or how many cracks there are to fill until the company is actually out filling cracks. So, no firm price can be established for the project before the work is done. That said, some places DO bid out crackfilling based on a price per pound for material to be used or something similar. So, we have seen towns go either way with this type of work. There are no court cases that conclusively answer this question, so again, it becomes a matter of opinion and interpretation that can vary from attorney to attorney.

I wish that there were bright line answers for every type of work to be done. But, there just aren't. So, again, your board will have to decide it's comfort level with bidding versus not bidding particular work may need to consult with your own town attorney if you are uncertain what to do in a particular instance.

Atty. Carol Nawrocki
WTA Assistant Director
www.wisctowns.com

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The Wisconsin Towns Association (WTA) is a statewide, voluntary, non-profit and non-partisan association of member town and village governments. WTA's purposes are to support local control and to protect the interests of towns. In furtherance of these goals, WTA provides legislative lobbying efforts, educational programming and legal information.

From: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Sent: Wednesday, June 21, 2023 5:44 PM
To: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Subject: Re: 05-23-23 - Jennifer F - Purchase Policy - Carol

Hi Carol,

Thank you for catching the twice-listed crackfilling on the algorithm.

I had shared our full email conversations with the Town Board and during last night's board meeting discussion one of the Supervisors shared communication that she received from Lara Carlson at WTA. I have scanned in the document provided by that Supervisor and look to you for guidance as it directly contradicts conversations that we've had on this topic.

You responded to my question in red on 5/24:

"How does road grading (could be considered a service like snow plowing or grass cutting, **tree cutting along ditches (service)**, shouldering (I'm not sure what all this involves, if it involves fixing or repairing the road it could be a project that has to be bid out) fall into play here?"

The shouldering involved grading of the shoulder to ensure proper road drainage along a paved road. There was no fixing or repair of the road itself so I presumed it to be a service but maybe I was wrong on that.

Lara Carlson responded to Supervisor Furton stating " . . . road grading, shouldering and crack filling are *not* services - those are repairs/improvements to public roads that require both construction work and materials. Therefore, those contracts are subject to bidding under s. 60.47.

I have also included a copy of the 2019 Legal Opinions information from WTA website stating on the 4th question on page 2 "A contract for the purchase of services, such as . . . crack filling . . . is not required to be bid out."

We cannot change what was done in the past (no bid/notice for road grading, tree cutting, shouldering) however I am doing my very best to avoid any missteps in the future and just when I thought I was clear on the process the contradicting communication between Lara Carlson and Supervisor Furton arises.

I look forward to your further guidance.

With appreciation,
Jennifer Friday
Town of Peshtigo Chairperson

From: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Sent: Monday, June 12, 2023 12:22 PM
To: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Subject: RE: 05-23-23 - Jennifer F - Purchase Policy - Carol

Hi, Jennifer,

This looks correct. You do have crackfilling listed twice where the different service types are listed.

Atty. Carol Nawrocki

WTA Assistant Director
www.wisctowns.com

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From: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Sent: Sunday, June 11, 2023 9:39 AM
To: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Subject: Re: 05-23-23 - Jennifer F - Purchase Policy - Carol

Hi Carol,

You have been most helpful. I am hoping would be willing to review the attached algorithm I created which may or may not be an oversimplification but I wanted something for the Roads Supervisor and others to quickly reference.

Thank you!
Jennifer
Town of Peshtigo Chairperson

From: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Sent: Wednesday, May 24, 2023 3:25 PM
To: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Subject: RE: 05-23-23 - Jennifer F - Purchase Policy - Carol

See below in RED

Atty. Carol Nawrocki
WTA Assistant Director
www.wisctowns.com

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From: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Sent: Wednesday, May 24, 2023 2:36 PM

To: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Subject: Re: 05-23-23 - Jennifer F - Purchase Policy - Carol

Thank you for this as it is very helpful.

Additional questions:

Upon my review it appears "public contract" is defined as a contract for the construction, execution, repair, remodeling, or improvement of any public work or building or for the furnishing of materials or supplies with an estimated cost > \$5K but does NOT include contracts for professional services i.e. consulting, engineering, legal, etc nor day-to-day maintenance, equipment that does not become a fixture, inventory not for a project, vehicles if not purchased for a project.

1. How does road grading (could be considered a service like snow plowing or grass cutting, tree cutting along ditches (service), shouldering (I'm not sure what all this involves, if it involves fixing or repairing the road it could be a project that has to be bid out) fall into play here?
2. IF the cost of the work is expected to be > \$5K then a Class 1 Notice needs to be done. From what I recall at the recent training this notice could essentially state that a certain business will be doing the work for the Town rather than soliciting quotes, is that correct? Yes. This can be done either knowing who will complete the work (or not). See the attached samples.
3. If road work was already done for the Town that invoiced for > \$5K and a Class 1 Notice was NOT done as the Roads Supervisor was not aware at the time is there anything that can be done to rectify the situation or is it a matter of making certain it does not happen again in the future. Look to the future.
4. What about gravel that is purchased for road grading but not included in the invoiced work performed? Does that also fall into the "public contract" with the need for a Class 1 notice? If you are purchasing over \$5k, yes.

Thank you for your time and knowledge sharing,
Jennifer Friday
Town of Peshtigo Chairperson

From: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Sent: Tuesday, May 23, 2023 4:01 PM
To: Town of Peshtigo Chair <topchair@townofpeshtigo.org>
Subject: RE: 05-23-23 - Jennifer F - Purchase Policy - Carol

See below in RED

Atty. Carol Nawrocki
WTA Assistant Director
www.wisctowns.com

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From: Karisa Schulze <wtowns@wisctowns.com>
Sent: Tuesday, May 23, 2023 1:59 PM
To: Carol Nawrocki <carol.nawrocki@wisctowns.com>
Subject: 05-23-23 - Jennifer F - Purchase Policy - Carol

From: Website <wtowns@wisctowns.com>
Sent: Tuesday, May 23, 2023 1:53 PM
To: Karisa Schulze <wtowns@wisctowns.com>
Subject: New Submission: Contact Form

New Contact Form Submission

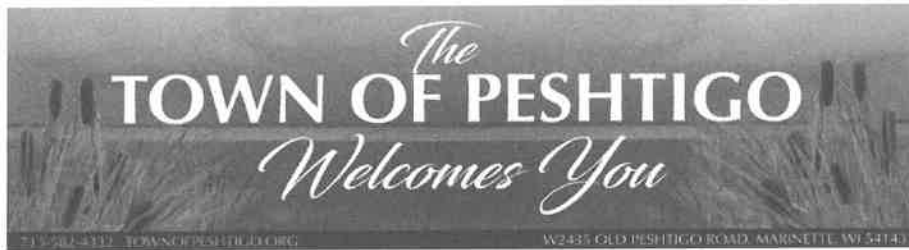
You may view all the details at the following link: <https://www.wisctowns.com/admin/widgets/contact?mode=view&entryID=10234>

Date Submitted	5/23/2023 1:53pm
First Name	Jennifer
Last Name	Friday
Town/village you work in	Town of Peshtigo
County in which town/village is located	Marinette
Current position held in town/village	Chairperson
Phone	(715) 316-1698
E-mail Address	topchair@townofpeshtigo.org
Comments	

The Town of Peshtigo has a Purchase Policy that states "Individually delineated budgeted items up to \$5K may be purchased without Town Board approval provided the committee chairperson presents the purchase request to the Town Clerk & Town Chairperson for purchase approval." One of our newly elected Supervisors owns an excavating business & used to do work for the Town. He is now the Town Roads Supervisor. It is my understanding that there is a limit of \$15K of road work that he could potentially do in his capacity of Supervisor. There was a culvert issue that he took care of for \$600, much less than what would normally be charged. As Town Chairperson I approved it as it falls below \$5K per our Purchase Policy. Is there something in the statutes that states that ANY WORK done by a Supervisor needs to go in front of the full board for approval no matter the cost? There is no state law to that effect. If the board wants to delegate the authority to the chair to make the approvals alone, even when a board member is the one getting the work, that is up to them. But, they could decide more oversight is needed in such cases and say the chair can approve UNLESS it's a board member and then that has to go to the board.

Additionally when I review the information provided at the WTA workshop it states \$0-5K public contract estimated cost requires Town Board vote to award contract at any properly noticed Town Board meeting. Does this mean that our Purchase Policy is not in compliance with state statutes at it allows approval by the Town Clerk & Town Chairperson for that price range? The state law applies unless the board has delegated the authority. So, your policy complies with the law as the board voted to give that authority to others.

Thank you for your time.



July 18, 2023

DRAFT LETTER TO BE SENT TO Senator Wimberger, Representative Behnke

RE: Governor Evers' veto of General Transportation Aid

Dear INSERT NAME:

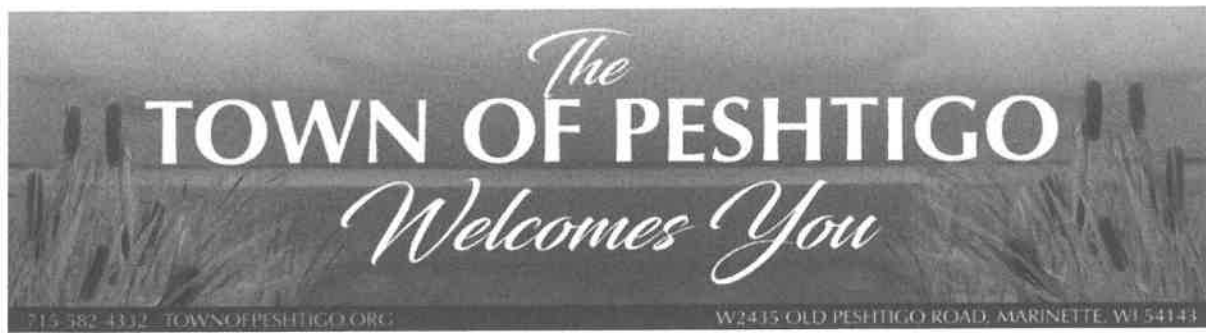
I am writing on behalf of the Town of Peshtigo Board of Supervisors to express our disappointment and concern over the \$10 million General Transportation Aid (GTA) cut as imposed by Governor Evers. My last letter was in support of the Shared Revenue Proposal which was ultimately signed into law by Governor Evers on June 20, 2023. While the Town of Peshtigo as well as other municipalities will benefit greatly from this step in reducing the disparity between County and Municipal Aid and Consumer Price Index, the positive impact is overshadowed by the adverse financial impact that municipalities such as ours will face with the GTA funding cuts.

As you are likely aware, GTA is provided to local governments to assist in our most expensive commodity, roads, with processes in place to ensure that this funding is used solely for transportation-related expenditures. The Town of Peshtigo is amongst 1,198 towns and a couple of villages that receive funding through the rate-per-mile calculation; that is 96% of Wisconsin's towns as opposed to 4% that receive funding based on share-of-cost. The mileage aid is straightforward while the share-of-cost calculation is more complicated and rewards more spending. Municipalities utilizing the mileage calculation were slated for increased funding over the next 2 years from \$2,734 per mile to \$2,789 per mile in 2024 and \$2,845 per mile in 2025. Governor Evers' veto eliminates the rate-per-mile increases as proposed by the legislature, thus shifting over \$10 million to higher spending communities. Ninety-six percent of Wisconsin towns, including the Town of Peshtigo, will see no increase in funding over the next 2 years while the cost of services, equipment and materials will undoubtedly continue to rise.

Our town is looking to you to advocate for the funding of our roads and to uphold the rate-per-mile increases as proposed by legislature. Thank you in advance for your support.

With appreciation,

Jennifer Friday
Town of Peshtigo Chairperson
W2435 Old Peshtigo Road
Marinette WI 54143
topchair@townofpeshtigo.org
715-316-1698



7/5/2023

Ms. Angela Davis, Grants Specialist – Advanced
Wisconsin Department of Administration
Division of Energy, Housing, and Community Resources
Bureau of Community Development
101 E. Wilson Street, 9th Floor
Madison, WI 53703

RE: Request for Amendment #3 for Town of Peshtigo CDBG Project (CDBG-CV 22-04)

Dear Ms. Davis,

The Town of Peshtigo ("Town") is requesting an amendment to its CDBG-CV grant agreement (CDBG CV 22-04) to extend the project timeline and to revise the project scope.

The Town has been unable to begin construction before the date required in the CDBG-CV grant agreement; a timeline has been established to start construction as soon as possible. The project is in the final design phase and nearing bid release. The engineer/architecture firm for the project informed the Town that the lead times for the shipment and delivery of essential equipment to the project are extensive due to global supply chain issues; the equipment in question has an estimated twenty (20) week lead time. The lead times would not allow for equipment installation within the grant's performance period.

The Town requests revising the CDBG construction deadlines in light of the delayed construction start and supply chain delays. The Town is requesting the start of construction deadline be extended from December 31, 2022, to October 31, 2023. In addition, the Town requests the construction completion date be extended from December 31, 2023, to July 31, 2024, and the project completion date be extended from January 31, 2024, to August 31, 2024.

Lastly, The Town request a revision to the project scope. The Town received notification from the Peshtigo Food Pantry, a subgrantee of the project, that the organization will not be using the remaining funds allocated for the project. To date, the Peshtigo Food Pantry has utilized funds for the purchase new commercial refrigerator and freezer units. The Town requests that the scope of the project be revised to accommodate these circumstances. The Town requests that CDBG Award Balance for the Food Pantry Services & Supplies activity be moved to the Town Hall Improvements activity.

The Town appreciates your consideration of this amendment request. If you have any questions or need additional information, please get in touch with our grant administrator, Ben Andrews, Community Development Specialist, at (920) 592-9630 or by email at bandrews@msa-ps.com.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Friday".

Jennifer Friday
Town Board Chair, Town of Peshtigo

Attachments:

Project Scope Revision
CDBG Project Budget Form
Detailed Cost Estimate

PROJECT BUDGET & MATCHING FUNDS

CONTRACT #: CV 22-04
(enter only after award)

GRANTEE: TOWN OF PESHTIGO

DATE: 7 / 5 / 2023

ACTIVITY	CDBG FUNDS	MATCH FUNDS (if applicable)	TOTAL COSTS (by Activity)
Acquisition - Land	\$ -	\$ -	\$ -
Acquisition - Building(s)	\$ -	\$ -	\$ -
Building Improvements (Town Hall Ventilation & Office Renovation) - Excluding Engineering	\$ 316,030.00	\$ -	\$ 316,030.00
Clearance - Site	\$ -	\$ -	\$ -
Food Pantry Services & Supplies	\$ 20,338.00	\$ -	\$ 20,338.00
Employment Services		\$ -	
Health Services (EMS & Other Medical Emergency Response)	\$ 65,027.00	\$ -	\$ 65,027.00
Increased Staff Wages & Benefits		\$ -	\$ -
Maintaining Facility for Public Service Program		\$ -	\$ -
Other: Fire Station Equipment	\$ 46,640.00	\$ -	\$ 46,640.00
Other:	\$ -	\$ -	\$ -
Fixtures	\$ -	\$ -	\$ -
Furnishings		\$ -	\$ -
Engineering/Architecture	\$ 30,500.00	\$ -	\$ 30,500.00
Grant Administration	\$ 16,500.00	\$ -	\$ 16,500.00
Sub-Total(s):	\$ 495,035.00	\$ -	\$ 495,035.00

Continued on the next page.

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Pestigo Food Pantry										10% Increase		No Requested Increase		Decrease (Inter-Activity Transfer)		Actuals	
1	Commercial fridge	2 Ea	\$4,000.00	\$	\$8,000.00							\$	\$8,000.00				
2	Commercial freezer	2 Ea	\$6,000.00	\$	\$12,000.00							\$	\$12,000.00				
3	Vehicle Lease (December 22 through December 23)	2 Ea	\$12,000.00	\$	\$24,000.00							\$	\$24,000.00				
4	Vehicle Lease Agreement	1 Ea	\$3,000.00	\$	\$3,000.00							\$	\$3,000.00				
5	Gift Allocation	2,000 (G)	\$3.50	\$	\$7,000.00							\$	\$7,000.00				
6	Food Purchase Allocation (November 22 through December 23)	13 Ea	\$77.55	\$	\$1,012.15							\$	\$1,012.15				
7	Business Project Allocation (Nov. 22 through December 23)	13 Ea	\$50.00	\$	\$650.00							\$	\$650.00				
8	N-95 Masks	3 Ea	\$12.50	\$	\$37.50							\$	\$37.50				
9	Nitrite Gloves	90 Ea	\$22.00	\$	\$1,980.00							\$	\$1,980.00				
10	Commercial Disposable Clothes	60 Ea	\$9.00	\$	\$540.00							\$	\$540.00				
11	Hand Sanitizer	3 Ea	\$40.00	\$	\$120.00							\$	\$120.00				
12	Sanitizer Dispenser	2 Ea	\$120.00	\$	\$240.00							\$	\$240.00				
13	Hand Soap Dispenser	2 Ea	\$120.00	\$	\$240.00							\$	\$240.00				
Total Item Cost (original request was \$65,000)										\$59,191.50	\$	\$59,191.50	\$	\$59,191.50			
Fire Department PPE																	
1	Hand Sanitizer Dispensers	2 Ea	\$	\$	\$	\$240.00											
2	N-95 Masks	48 Ea	\$15.50	\$	\$744.00												
3	Nitrite Gloves	50 Ea	\$22.00	\$	\$1,100.00												
4	Disposable Coveralls (withboots and hood)	5 Ea	\$100.00	\$	\$500.00												
5	Commercial Disposable Clothes	20 Ea	\$9.00	\$	\$180.00												
6	Pulse Oximeter Monitor	2 Ea	\$40.00	\$	\$80.00												
7	UV Handheld Surface Disinfection Device	1 Ea	\$5,150.00	\$	\$5,150.00												
8	Protective Goggles	20 Ea	\$50.00	\$	\$1,000.00												
Total Item Cost										\$8,994.00	\$	\$8,994.00	\$	\$8,994.00			
Fire Depart. PPE and Sanitization Apparatus Equip. and Installation																	
1	PPE (see Driving Rock	1 Ea	\$	\$	\$8,000.00	\$	\$8,000.00										
2	Turnout Gear Wash Dispenser	2 Ea	\$125.00	\$	\$250.00	\$	\$250.00										
3	Laundry Soap Dispenser	1 Ea	\$450.00	\$	\$450.00	\$	\$450.00										
4	Commercial Washer Extractor	1 Ea	\$9,000.00	\$	\$9,000.00	\$	\$9,000.00										
5	Plumbing Items	1 Ea	\$2,000.00	\$	\$2,000.00	\$	\$2,000.00										
6	Labor (Washer Installation)	50 Hr	\$20.00	\$	\$1,000.00	\$	\$1,000.00										
Labor and Items										\$29,700.00	\$	\$29,700.00	\$	\$29,700.00			
Engineering										\$800.00	\$	\$800.00	\$	\$800.00			
Total Project Cost										\$30,500.00	\$	\$30,500.00	\$	\$30,500.00			
Fire Department Virtual Training Equipment																	
1	Smartboard	1 Ea	\$	\$	\$6,800.00	\$	\$6,800.00										
2	Wireless Keyboard	1 Ea	\$120.00	\$	\$120.00	\$	\$120.00										
3	Wireless Mouse	1 Ea	\$90.00	\$	\$90.00	\$	\$90.00										
4	Equipment cart	1 Ea	\$500.00	\$	\$500.00	\$	\$500.00										
5	Camera microphone and speaker	1 Ea	\$2,000.00	\$	\$2,000.00	\$	\$2,000.00										
6	Labor (for installation and set-up)	7 Hr	\$70.00	\$	\$490.00	\$	\$490.00										
Total (Items and Labor)										\$11,900.00	\$	\$11,900.00	\$	\$11,900.00			
CONSTRUCTION TOTAL: Items #1-46																	
Grant Administration																	
Engineering (Environmental Review)																	
Construction Equipment and Labor																	
Engineering (Building - Design & Observation)																	
PROJECT TOTAL										\$39,157.42	\$	\$39,157.42	\$	\$39,157.42			
Additional Amendment #1 Funds																	
Additional Amendment #2 Requested Funds																	
Current Award										\$							
Requested Award										\$	\$39,157.42	\$	\$39,157.42				
Requested Award										\$	\$39,157.42	\$	\$39,157.42				

30

Quitclaim Deed No. 218072

Geo. E. Costello, County Clerk, in the name of Marinette County, Wis., grantor of Marinette County, Wisconsin, hereby Quitclaims to The Town of Peshtigo grantee, of Marinette County, Wisconsin for the sum of Forty-two and 00/100 Dollars the following tract of land in Marinette County, Wisconsin:

That part of Lot 1 as described in Volume 101 Page 41 MCR and known as a forty-one foot strip of land running from County Trunk "BB" to the shore of Green Bay all in Section Thirty-one (31) of Township Thirty (30) North of Range Twenty-four (24) East.

This conveyance is subject to the following reservations, exceptions or incumbrances:

All easements heretofore granted by prior owners or this grantor for aerial power lines, also the right of way of any and all public highways now upon or across said premises and the right of way of any and all fire lanes now upon or across said premises.

The grantor excepts and reserves in perpetuity full and free right and liberty at all times hereafter to relocate, alter or widen existing highways or fire lanes, and further reserves the right in perpetuity to lay out and construct public highways upon or across said premises, all without hindrance by the grantee, or his, her or its, successors in title, and without payment of compensation for the lands required and utilized.

It is covenanted by the grantee, and his, her or its successors in interest, that he, she or they will never call upon the public to build or finance any road to or upon said premises, and should the grantee, or his, her or its successors in interest, desire a highway to or upon said premises, it is covenanted that he, she or they will bear the entire burden for acquiring the necessary right of way and the construction of said highway, without expense or cost to the state of Wisconsin, the grantor, or any of its political subdivisions.

It is covenanted, understood and agreed that the reservations, exceptions and covenants herein contained shall assure to the benefit of the state of Wisconsin, Marinette County and the political subdivisions thereof.

Witness its hand and seal of said grantor, this 17th day of July 1941.

In Presence of

Van Nelson

B. M. Stehle

State of Wisconsin,) ss.
Marinette County

County

Geo. E. Costello (Seal)

County Clerk, of Marinette County, Wisconsin.

Personally came before me this 17th day of July 1941, the above named Geo. E. Costello, to me known to be the County Clerk of Marinette County, Wisconsin, who executed the foregoing instrument and acknowledged the same.

Notary

B. M. Stehle

Notary Public, Marinette County, Wis.
My commission expires June 25, 1944.

Received for Record Nov. 7th, 1941 at 10:10 A.M.
Marion Hunting Register

RE: Town of Peshtigo Boat Launch

1 message

Hartwick, Duane M - DNR <Duane.Hartwick@wisconsin.gov>
To: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>

Tue, Jul 11, 2023 at 8:32 AM

Good morning Kayla,

My 4th was as one could expect for a Parks employee in the Northeast on any given "summer" holiday. I hope yours was good.

So it has taken a moment to get back to you on this as I spoke with my supervisor about this topic and situation. And I would like to first make two things abundantly clear that may have gotten misinterpreted by one or various parties, and that is that I, at **no** point gave anybody **permission** to do anything and that I do **not** have the **authority** to give permission in my position. I was asked for an opinion or recommendation in how I would resolve a hazardous landing as a recreation technician that works on landings of the state in various areas, to include the Little River landing. With the information I was given and the knowledge of the area, I gave an idea of the process in how I would handle the situation of the hazards associated with the deteriorated concrete and rebar that would pose a threat to vehicles and people alike.

Again, I can not emphasize enough that I **did not** and **can not** give any kind of permission to take any kind of actions on the property itself. I also do not know the rules governing the closure of access and whether or not there needs to be another one provided when it comes to township lands and landings. I am including two other email addresses for Waterway personnel that may or may not be better able to assist with those questions.

Sarah.Szabo@wisconsin.gov

Erin.Carviou@wisconsin.gov

I apologize for any misunderstandings that may have occurred and hope you're able to get the answers you seek.

Thank you

Duane Hartwick

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Duane Hartwick
Phone: (920) 933-1243

Cell: (715) 889-6042
Duane.Hartwick@wisconsin.gov

From: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>
Sent: Wednesday, July 5, 2023 11:14 AM
To: Hartwick, Duane M - DNR <Duane.Hartwick@wisconsin.gov>
Subject: Town of Peshtigo Boat Launch

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Duane,

I hope you had a good Fourth of July! The Town of Peshtigo has a boat launch that has not been usable as a boat launch for a while due to the deteriorated concrete conditions, as well as the lack of parking available (some residents do report using it in the winter for snowmobile access to the bay) – #3 on this map (as you can see, it is just down the road from the larger county-maintained Little River Boat Launch). Town of Peshtigo Supervisor Wortner said he contacted you and received approval to close the boat launch without the Town needing to add an additional bay access point (I know there are possibly some requirements regarding the closure of water access points). Multiple residents have reached out with questions and concerns so I just wanted to confirm that the Town can close a boat launch without needing to add another. Thank you!

Have a wonderful day,

Kayla

Kayla Furton
Town of Peshtigo
Supervisor 3
920.328.5683



Boat

1 message

Carviou, Erin E - DNR <Erin.Carviou@wisconsin.gov>
To: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>
Cc: Szabo, Sarah - DNR <Sarah.Szabo@wisconsin.gov>

Mon, Jul 17, 2023 at 10:03 AM

Hello Kayla,

You do not need DNR permission to close the boat launch. However, a permit is needed to fill it in with riprap. The Department recommends removing the deteriorated concrete and restoring the shoreline with native plantings.

Kind Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Erin Carviou

Phone: 920-360-2715

Erin.Carviou@wisconsin.gov

From: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>
Sent: Thursday, July 13, 2023 4:43 PM
To: Szabo, Sarah - DNR <Sarah.Szabo@wisconsin.gov>; Carviou, Erin E - DNR <Erin.Carviou@wisconsin.gov>
Subject: Boat

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The Town of Peshtigo has a boat launch that has not been usable as a boat launch for a while due to the deteriorated concrete conditions, as well as the lack of parking available (some residents do report using it in the winter for snowmobile access to the bay) – #3 on this map (as you can see, it is just down the road from the larger county-maintained Little River Boat Launch). Does the Town need DNR approval if the TOP decides to close the launch?

A Town Supervisor made the decision to fill it in with rip rap and multiple residents have reached out with questions and concerns and I want to make sure the Town is following procedure.

34

Thank you!

Kayla

Kayla Furton

Supervisor 3

Town of Peshtigo

715.579.2293



Town Boat Launch

1 message

Kramasz, Kathleen M - DNR <Kathleen.Kramasz@wisconsin.gov>

Mon, Jul 17, 2023 at 1:43 PM

To: Smith, Niccole L - DNR <NiccoleL.Smith@wisconsin.gov>, Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>

Cc: Carviou, Erin E - DNR <Erin.Carviou@wisconsin.gov>

Niccole, are you able to respond to the public boat launch part of this inquiry?

Kayla, A riprap permit is needed for the proposed work along the shoreline. You can find that application here:

<https://dnr.wisconsin.gov/topic/Waterways/shoreline/shoreline.html>

Please let me know if you have any additional questions about the riprap permitting

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kathi Kramasz

Phone: (920) 893-8531

Kathleen.kramasz@wisconsin.gov

From: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>

Sent: Thursday, July 13, 2023 5:16 PM

To: DNR WMS Public Inquiry <DNRWMSPublicInquiry@wisconsin.gov>

Subject: Town Boat Launch

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The Town of Peshtigo has a boat launch that has not been usable as a boat launch for a while due to the deteriorated concrete conditions, as well as the lack of parking available (some residents do report using it in the winter for snowmobile access to the bay) – #3 on this map (as you can see, it is just down the road from the larger county-maintained Little River Boat Launch). Does the Town need DNR approval if the TOP decides to close the launch?

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A Town Supervisor made the decision to fill it in with rip rap and multiple residents have reached out with questions and concerns and I want to make sure the Town is following procedure.

Thank you!

Kayla

Kayla Furton

Supervisor 3

Town of Peshtigo

715.579.2293

☐ **riprap exemption checklist.pdf**
282 KB

Town Boat Launch

1 message

Smith, Niccole L - DNR <NiccoleL.Smith@wisconsin.gov>
To: Town of Peshtigo Sup3 <topsup3@townofpeshtigo.org>

Tue, Jul 18, 2023 at 10:52 AM

Hello Ms. Furton,

Thank you for contacting WDNR about proper procedure in reducing or discontinuing a public access to navigable water. Wis Stats 66.1006 provides authority to DNR to grant approvals to Towns and Counties that petition to discontinue in full or in part a public access. Wis Admin Code NR 1.92 details the procedure in which DNR follows to grant or deny such a petition.

Requirements for granting an approval of a petition to discontinue a public access include:

- Replacement of the access site or part thereof proposed to be abandoned or discontinued,
- DNR finds the access site does not contribute to the quality or quantity of public access on the body of water,
- DNR finds there is environmental degradation occurring at the access site as a result of existing use

We have allowed enhancements in lieu of replacement on bodies of water where there is ample public access sites. The goal is to ensure DNR is protecting the public's interest in being able to recreate on public waters.

Should you choose to pursue abandonment of the public access site or reduction in access, I have attached an application the Town can fill out and submit directly to me. The application should have the following accompany it when returning it to me: Town resolution of proposal to abandon or reduce access, maps, plans on what is proposed, surveys if they exist, and deed if it exists (it may not if Town ownership is from a subdivision plat). There may be other items I will have to request as I review the file/application.

Please reach out at anytime with questions. The best way to reach me is via email, however, you can contact me on my cell at 715-499-3450.

Sincerely,

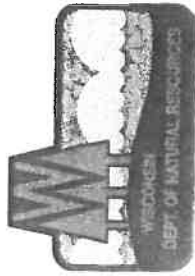
Niccole L. Smith
Real Estate Specialist Adv – Bureau of Facilities and Lands
Wisconsin Department of Natural Resources
107 Sutliff Ave, Rhinelander, WI 54501
Office Phone: 715-365-8901
Cell Phone: 715-499-3450
NiccoleL.Smith@wisconsin.gov

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

From: Kramasz, Kathleen M - DNR <Kathleen.Kramasz@wisconsin.gov>
Sent: Monday, July 17, 2023 1:44 PM

38



PROPER ACCESS ABANDONMENT

Introduction

Most lakes, rivers, and streams in Wisconsin have one or more public access sites. It is basic to our way of life that Wisconsin's waterways are open for everyone to enjoy. Waterway use includes a wide range of activities from boating and fishing to swimming and enjoyment of natural scenic beauty.

State law specifies that the Wisconsin Department of Natural Resources (DNR) must determine whether county and town access sites may be abandoned.

Legal references related to access abandonment:

- *Public access to navigable waters may not be removed, discontinued, or vacated by a county or town except with the approval of the Wisconsin Department of Natural Resources under s. 66.1006, Wis. Stats.*
- *Section 236.43, Wis. Stats., requires approval of a county circuit court for the vacation of a platted public access.*
- *Specific standards relating to access abandonment are found in s. NR 1.92, Wis. Adm. Code.*

Where are these access sites?

Highways and streets typically provide public access to waterways. These are in the jurisdiction of counties, cities, villages, or towns. Counties and towns often have jurisdiction over public access sites that lie adjacent to private property. Many of these sites are undeveloped.

Some landowners adjacent to public access sites manage the access site as if it were their private property. They build structures, park boats and trailers, store wood and brush piles, and stack yard and building materials. Such private use of public access sites is not legal.

As more of Wisconsin's shorelands and river fronts become developed, counties and townships are being asked to abandon public access sites. When a county or town wishes to abandon accesses within its jurisdiction, the DNR is required to approve these closures.

The DNR may approve access abandonment by a county or town only under limited circumstances. When a public access exists in a platted subdivision, approval by a county circuit court is also required.

The Abandonment Process

A brief outline of the process for requesting access abandonment follows:

- The county or town passes a resolution to abandon access to navigable waters.

- The county or town submits the resolution and request for abandonment to the Wisconsin DNR.

- After an inspection of the access site, the DNR regional access coordinator recommends approval or rejection of the request based on the following standards:
 - An approved replacement site already exists.

- The access proposed to be abandoned does not contribute to the quality or quantity of public access for that body of water.

- Environmental degradation is occurring at the access site and abandonment will reduce or eliminate the degradation without reducing public interests in access to the body of water.

- The DNR publishes a public notice of the proposed abandonment action. Public has the opportunity to request a hearing.

- If a hearing is requested, a hearing examiner holds the hearing and issues a decision.

- If no hearing is requested, the DNR issues a decision based on legal and resource management criteria.

For More Information

For a list of DNR staff who can help with your access abandonment questions, go to <http://dnr.wi.gov/topic/Waterways/accessAbandonment.html>



**Real
Estate
Section**

Town / County Application for Access Abandonment

Rev. 12/2018

References:

Adm Code NR 1.91

Adm Code NR 1.92(1)(a)

Wis Stat 66.1003 and 66.1006

Wis Stat 236.16(3) and 236.43

IMPORTANT NOTE: It is highly recommended that you contact a WDNR Access Abandonment Coordinator (see reverse) prior to submitting this application for their review. Please also contact a Coordinator should you have questions while completing this application and/or collecting the required supporting documents as listed below.

Request Date:		County:			
Contact Name and Title:		Township:			
		Section:		Township:	Range:
Contact Address:		Quarter / Quarter:	1/4	1/4	Gov. Lot:
Contact Phone:		Lake / River Name:			
Contact Email:		Subdivision/Plat Name:			
Is the public access point proposed to be abandoned currently improved? Please describe any signage, clearing/mowing, facilities, boat launch, piers, etc.					

Do you have a replacement site to dedicate as public access to replace the public access you are seeking to abandon?	☐ YES	☐ NO
--	------------------------------	-----------------------------

If you do not have a replacement site, is there another public access you will enhance in lieu of replacement?	☐ YES	☐ NO
--	------------------------------	-----------------------------

Please describe the proposed replacement site or the existing site to be enhanced in lieu of replacement:	
---	--

A fully completed application packet to WDNR will include ALL of the following items in the checklist below. You may attach additional sheets as necessary to support the proposed abandonment.

☐	Narrative/Justification
☐	Subdivision Plat - identifying the public access proposed to be abandoned (This is the map that was filed with the county and is of public record)
☐	Aerial Map
☐	Replacement Site (Include survey or plat, tax parcel ID if available, and aerial map)
☐	Management Plan (maintenance of the replacement site or enhanced existing site requires maintenance responsibilities in perpetuity)
☐	Resolution/Ordinance (resolution needs to address the following: abandonment of public access subject to WDNR approval, providing a replacement public access site OR enhancing an existing public access site, and a plan to maintain the replacement or enhancement in perpetuity.)

Items to consider:

You will need to provide a copy of your resolution/ordinance and notify WDNR **10 working days prior to acting** on resolution/ordinance.

You will need to provide a copy of your resolution/ordinance to WDNR **within 10 working days of enacting** an resolution/ordinance.

Other program areas within WDNR will be consulted during this process. Please expect this process to take up to 6 to 12 months to complete.

Contact Signature:	Date:
--------------------	-------

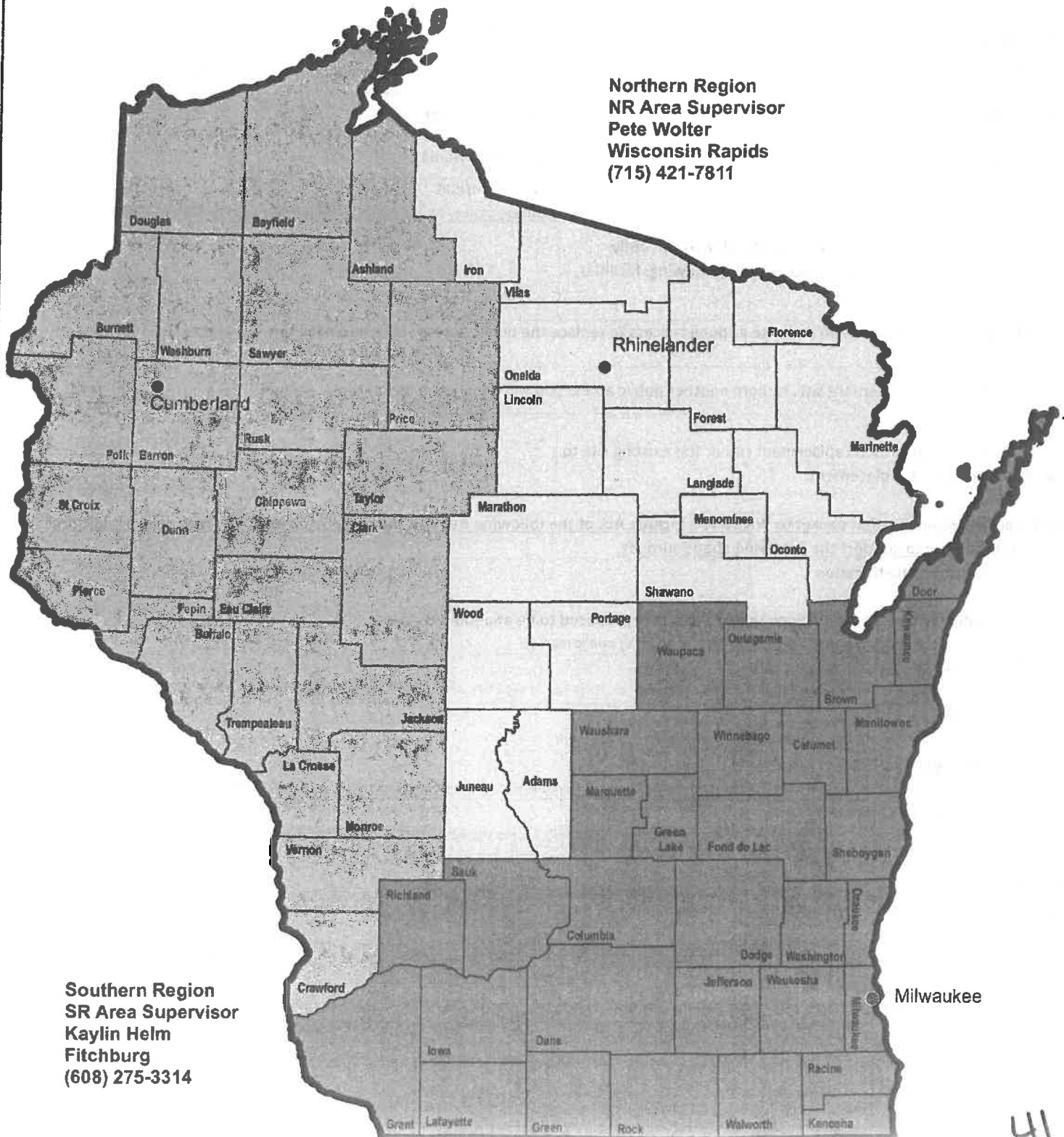
Access Abandonment Areas of Responsibility

● Office Location

Real Estate Specialists

-  Rhonda Kenyon (715) 822-2685
-  Jim Jackley (414) 263-8616
-  Niccole Smith (715) 365-8901

Northern Region
NR Area Supervisor
Pete Wolter
Wisconsin Rapids
(715) 421-7811



Southern Region
SR Area Supervisor
Kaylin Helm
Fitchburg
(608) 275-3314

TOP Park & Boat Landing

Carviou, Erin E - DNR <Erin.Carviou@wisconsin.gov>

Tue 7/18/2023 12:00 PM

To: Town of Peshtigo Chair <topchair@townofpeshtigo.org>

Cc: Hartwick, Duane M - DNR <Duane.Hartwick@wisconsin.gov>; Smith, Niccole L - DNR

<Niccole.L.Smith@wisconsin.gov>; Kramasz, Kathleen M - DNR <Kathleen.Kramasz@wisconsin.gov>; Lutze, Kay E - DNR <Kay.Lutze@wisconsin.gov>

Hello Ms. Friday,

There has been various discussions and emails between Town Supervisors and DNR staff inquiring if the Town can close the TOP boat landing located on Shore Drive and fill in the boat launch with riprap. It seems there has been some miscommunication and confusion on DNR advice and direction.

Closing of the boat launch:

I misspoke in my 7/17 email to Kayla Furton regarding closing of the boat launch when I said the town could close the launch. My advice was misleading and I apologize greatly for the confusion I caused. Duane Hartwick, Department Park Manager, also attempted to provide some guidance on how he would handle the technical abandonment of the unsafe structure, which was misinterpreted as permission to close the launch. Duane did not provide the town with permission to close the launch. The Town needs to work with Niccole Smith, DNR Real Estate Specialist, on the closing of the launch and meeting the needs of public access. Niccole will direct the town on what needs to be done and communicate directly with you. Any communication regarding the closing of the launch in regards to public access will be directed to Niccole.

Permitting needs for abandonment:

As we discussed on the phone, this area of shoreline is designated as an Area of Special Natural Resource Interest (ASNRI) and abandonment of the structure and its replacement or restoration will require permits from the Department for any work done below the ordinary high watermark. The Department prefers that the rebar embedded concrete is removed and the shoreline is restored to its natural state. However, other options for abandonment such as removal of the concrete and placement of riprap would be an option. Any questions, concerns, or discussion with the Department regarding the design and permitting needs for abandonment and restoration should be directed to me. Below are some resources on various permitting options.

Public Boat Ramp General Permit Checklist: <https://apps.dnr.wi.gov/doclink/forms/3500-172.pdf>

Lakeshore Biological Erosion Control Checklist:

<https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/checklist/GP/GP-BiologicalShoreErosionControl.pdf>

Great Lakes Erosion Control Checklist:

[https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/checklist/IP/IP-](https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/checklist/IP/IP-GreatLakesErosionControlChecklist.pdf)

[GreatLakesErosionControlChecklist.pdf](https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/checklist/IP/IP-GreatLakesErosionControlChecklist.pdf)

General Waterways Permitting Information: <https://dnr.wisconsin.gov/topic/Waterways>

Thank you for taking the time to discuss the issue with me today. If you have any other questions or concerns feel free to reach out.

Kind Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Erin Carviou

Water Management Specialist – Waterways Team

Division of External Services

Wisconsin Department of Natural Resources