

TOWN OF NEENAH TOWN BOARD
Meeting Agenda

DATE: Monday, March 11, 2024

TIME: 7:00 pm

LOCATION: 1600 Breezewood Lane

The meeting will also be offered virtually via ZOOM.

Meeting ID : 870 4111 1321 Passcode: 441837 Phone (312) 626-6799

Zoom Link: <https://us02web.zoom.us/j/87041111321?pwd=V3JreXF4YUtBM0NtaFJTWWVlPbUN1Zz09>

TOWN BOARD MEETING

1. CALL TO ORDER TOWN BOARD
2. APPROVE MINUTES
February 26, 2024 Town Board Meeting
3. PUBLIC FORUM
4. PUBLIC FORUM FOR RECOGNIZED MUNICIPAL AND COUNTY OFFICIALS
5. CORRESPONDENCES
 - a. None
6. DISCUSSION / ACTION
 - a. Approve Vouchers, Payroll and Bank Transactions March 11, 2024
 - b. Report from Fire Chief Osero
 - c. Approve Ordinance 2024-01 Amending Chapter 13, Public Works, Section 13.09 Work in Right of Way.
 - d. Resolution 2024-06: A Resolution requesting coordination and collaboration by and between the Winnebago County Zoning Department and the Town of Neenah.
 - e. Discussion and action to accept one of two proposals received for right of way services for Larsen Road reconstruction project, proposals received from Steigerwaldt and Moss & Associates LLC
 - f. Approve Friends of Town of Neenah Fire Department Articles of Incorporation and By-Laws.
 - g. Action to authorize submittal of Friends of Town of Neenah Fire Department State of Wisconsin Charitable Organization Application.
 - h. Approve Friends of Town of Neenah Fire Department Policy Governing Conflict of Interest.
 - i. Appoint five members to the Board of Directors for Friends of Town of Neenah Fire Department: President: Assistant Chief Chris Plier; Vice President: Lieutenant Jim McArthur; Secretary: Fire Fighter Mackenzie Kimball; Treasurer: Fire Fighter Matt Schmeichel; Board member: Fire Chief Dan Osero.
 - j. Approve Operator's License Applications for Nathan Hanion, Michael Allen LaGoo and Kendra Leon.
 - k. Approve revised credit limit for Town issued credit cards.
7. FUTURE AGENDA TOPICS AND MEETINGS
 - a. Sanitary District Commissioner Meeting, Tuesday March 12, 2024 at 7:00 p.m.
 - b. Plan Commission Meeting, Monday March 18, 2024 at 7:00 p.m. pending Agenda items
 - c. In Person Absentee Voting for April 2024 Spring Election: Tuesday March 19- Friday March 29th, hours posted on website.
 - d. Next Regularly Scheduled Town Board Meeting, Monday March 25, 2024 at 7:00 p.m.
8. OLD BUSINESS
9. NEW BUSINESS
10. ADJOURN

Closed Session Contemplated: NO

Ellen Skerke, Administrator-Clerk-Treasurer
March 7, 2024

Upon request, reasonable auxiliary aids and services will be provided for disabled individuals. If accommodations are required, please provide adequate advance notice to Town Clerk at 920-725-0916. A quorum of other Town Commissions/Committees or Sanitary Commissions may attend, but no official action will be taken by them.

Notice was posted on March 7, 2024 at www.townofneenah.com, Town of Neenah Municipal Building, 1600 Breezewood Lane.

TOWN OF NEENAH TOWN BOARD MEETING

February 26, 2024

Regular Meeting held at Town Hall, 1600 Breezewood Lane, Neenah, WI 54956 and offered via Zoom.

Present: Chairman Robert Schmeichel, Supervisor David Bluma, Supervisor Brooke Cardoza, Supervisor James Weiss, and Supervisor Thomas Wilde.

Also in Attendance: Fire Chief Dan Osero, Fire Fighter Jim MacArthur, Regina Uerkwitz, Jeremy Kwiatkowski, Winnebago County Board Supervisor Chuck Farrey, Winnebago County Deputy Hunter Veness, Attorney Matt Parmentier, and Administrator-Clerk-Treasurer Ellen Skerke.

Also in Attendance via Zoom: Carrie Sturn, and Deputy Clerk-Treasurer Vicki Boushele.

R. Schmeichel called the meeting to order at 7:00 pm. Pledge of Allegiance was recited.

Approval of Minutes

Motion: B. Cardoza / D. Bluma to approve January 22, 2024 Town Board meeting minutes.

Motion carried 5:0:0

Public Forum

- None.

Public Forum for Recognized Municipal and County Officials

- Deputy Hunter Veness, Winnebago County Sheriff's Office introduced himself. There was a general discussion regarding speeds of travel on Highway 41 and what appeared to be an increase presence of patrols on the highway.
- County Board Supervisor Chuck Farrey reported on the Winnebago County Spirit Fund, in summary:
 - the Spirit Commission originally put the funds into two categories, One for municipalities and non-profits, and one for County projects, each were given about 16 million.
 - Municipalities and on-profits have about \$900,000 remaining plus half of the interest earned, about \$1 million.
 - County Projects has about \$14 million remaining plus one half of interest earned \$1million.
 - County Executive Doemel has asked the Commission to consider holding these funds for veteran housing. The State may have a funding opportunity coming up that could dovetail with the Spirit funds to go toward veteran housing.
 - The County Board had a facilities study completed which indicates that in the next several years there will be a need to appropriate funds for building repairs and maintenance.
 - As of right now, County Executive is asking that the "County project" Spirit funds be held for capital improvement projects including roads, approximately \$15 million remains in the county project portion of Spirit funds. The goal is to keep bonding to about \$10 million a year which is the typical amount bonded each year.
- General discussion with C. Farrey regarding the approved Spirit funds for Fire Department radios. D. Oero reports that all documentation has been provided to the County, however we are still waiting for the funds. He has not placed the order for the radios.

Correspondences

- None

Discussion/Action.**Vouchers Payroll and Bank Transactions**

Approve Vouchers, Payroll and Bank Transactions February 26, 2024.

- E. Skerke noted that the previously withheld payment to Hoffman Planning and Design, payment #9 is included on this voucher payment and a new request for payment #10 were included in this voucher approval.

Motion: T. Wilde / J. Weiss to approve

Motion Carried 5:0:0.

Resolutions

Resolution 2024-04 – Zoning Map Amendment

Applicant: Thomas and Deborah Rosenfeldt

Location of Premises Affected: 1326 Larsen Road

Tax Parcel No: 010-031001

Explanation: Property owner is requesting a Zoning Map Amendment to Rural Residential District (R1) from Agriculture (A2)

- J. Weiss reviewed the Zoning Map Amendment request and stated that the Plan Commission recommends approval.

Motion: B. Cardoza / D. Bluma to approve

Motion Carried 5:0:0.

Resolution 2024-05 – Certified Survey Map

Applicant: Tim Bertram

Location of Premises Affected: 880 Bayview Rd

Tax Parcel No: 010-045904

- J. Weiss reviewed the CSM request and stated that the Plan Commission recommends approval

Motion: J. Weiss / B. Cardoza to approve

Motion Carried 5:0:0.

Personnel

Accept resignation of Fire Fighter Jacob Miller effective February 26, 2024.

- D. Osero stated that Jacob Miller moved out of the area shortly after joining the Fire Department and is no longer able to remain a member.

Motion: J. Weiss / T. Wilde to accept

Motion Carried 5:0:0.

Fire Department

Approve Change Order for Custom Fire in the amount of \$9,104.80

- D. Osero reviewed the change order and explained to process that the Department followed to get to this point. They participated in a lengthy Zoom meeting and made several changes to the specifications.
- The change order amount has been revised to \$9,845.20
- There remains a \$6,000 credit balance that is held until the truck is in final stages of production. Fire Department staff will go to the Custom Fire to review the truck in the final build stage to “fine tune” storage compartments. If the entire \$6,000 is not used, that will be credited to the final purchase price.
- D. Osero anticipates a September 2024 delivery, about one year ahead of schedule.

Motion: T. Wilde / J. Weiss to approve change order for Custom Fire in the amount of \$9,845.20
Motion Carried 5:0:0.

Approve Purchase of cascade system from Oshkosh Police and Fire in the amount of \$ 42,500.00

- D. Osero reviewed the process to obtain estimates for the new cascade system. This purchase is included in the 2024 budget at the amount of \$41,750.
- D. Osero stated that the Fire Department attempted twice to obtain FEMA grants for this purchase, however, were denied both times.

Motion: J. Weiss / B. Cardoza to approve
Motion Carried 5:0:0.

Report from Fire Chief on compressed air system in the Apparatus Bay.

- D. Osero reported on the compressed air system in the Apparatus Bay, it recently came to light that the system is contaminated needs to be repaired. 20 years ago when the system was installed, steel pipes were used and there was not a dryer installed with the compressor, so over the course of time, the moist air has been causing the pipes to rust, now the rust is blowing off and getting into the air that is going to the air brakes on the trucks.
- Two trucks have already needed repairs due to this contamination.
- The solution is to replace the steel lines and address the compressor unit itself. D. Osero is meeting with various contractors to determine options available and will report back when he has additional information.

Friends of Town of Neenah Fire Department

Approve By-Laws for Friends of the Town of Neenah Fire Department 501(c)3.

- D. Osero reported that this has been talked about for a long time, it is moving forward with a subcommittee lead by David Weiss.
- M. Parmentier reviewed the process for establishing this.
 - File form 1023-EZ to obtain IRS 501(c)(3) status - E. Skerke to work with CLA to complete
 - Articles of Incorporation – M. Parmentier to assist
 - Wisconsin Charitable Organization Application – M. Parmentier to assist
 - By-Laws. D Weiss and E. Skerke provided a draft set of By-Laws. M. Parmentier has a few minor corrections and advises that the article with policies can be pulled out of the By-Laws and policies can be set as a separate document. M. Parmentier to assist.
 - Need to consider Insurance
 - Need to apply for a Federal EIN
 - Need to file form 990 each year
- M. Parmentier advised that the Board could approve contingent with revisions made by M. Parmentier or adjourn for a future meeting.
- R. Schmeichel adjourned this item until the Board has the final documents to review.

Town Hall Renovation

Approve additional expenditures for the Town Hall meeting space, total cost = \$16,937.47

- E. Skerke reviewed the list of possible additional items to add on to the renovation project including modifications to the duct work in the large conference room, painting the Lobby, new carpet in the small conference room and new chairs for the large conference room.
- B. Cardoza is not in favor of approving these items. The Keating Park project has not even started yet. She would like to wait until the Keating Park project is further along to see how that budget works out.

- By general consensus this item will be adjourned until a future date.

Future Agenda Topics and Meetings

- Stormwater Utility District Meeting, Thursday February 29, 2024 at 8:00 a.m.
- Fire Department Business Meeting, Wednesday March 6, 2023 at 6:00 p.m.
- Next Regularly Scheduled Town Board Meeting, Monday March 11, 2024 at 7:00 p.m.

Old Business

- None.

New Business

- Discussion about the controlled burn at Conservancy Park scheduled for Tuesday afternoon. D. Osero. E. Skerke clarified that the County Road O Pond is not to be burned in 2024.

Adjourn Meeting

Motion: B. Cardoza / D. Bluma to adjourn. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Ellen Skerke
Administrator-Clerk-Treasurer

Approved: DRAFT – pending Approval

Voucher List Authorization - March 11, 2024

Bank Transfer (Transaction List)

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Reason</u>
3/12/2024	General MM	Checking	\$ 250,000.00	03-11-2024 Vouchers

Check Details:

Accounts Payable \$ 217,869.04

Notification of New Vendors None

Payroll Payroll \$ 17,780.10
 Expense Reimburse \$ 1,060.50
 Gross Payroll \$ 18,840.60
 Net Payroll \$ 16,253.43

Election Payroll \$ 1,624.00

Fire Payroll Gross Payroll \$ 2,400.00
 Net Payroll \$ 2,365.20

Paid via Bank Transfer:

Nationwide: \$ 1,513.53
 Federal Tax/Medicare: \$ 1,738.62
 State Taxes: \$ 479.37
 Wisconsin Retirement: \$ 797.64
 Wisconsin Health Insurance \$ 1,124.60

Deposit Detail

<u>Date</u>	<u>Where</u>	<u>Amount</u>	
2/20/2024	Taxes Collected	\$ 177,563.14	Taxes collected
2/23/2024	General MM	\$ 751.62	Dog License Fees
2/29/2024	Various	\$ 20,044.68	Interest Earned
2/7/2024	General MM	\$ 7,326.43	Various / Building Permits
2/16/2024	General MM	\$ 270.76	Return Petty Cash to savings

Account Balances as of March 12, 2023 - after requested transfers per this Voucher List

	<u>PROSPERA CU</u>	<u>Prospera CD</u>	<u>BNY Mellon - Pershing</u>	<u>Total</u>
Checking	\$ 10,279			
Membership account	\$ 5			
General MM	\$ 903,711		\$ 790,072	\$ 1,693,784
Impact Fee	\$ 8,016			
Taxes Collected	\$ 294,768			\$ 294,768
Tullar Rd Fund	\$ -		\$ 38,098	
Storm Water	\$ 605,035	\$ 262,449	\$ 526,634	\$ 1,394,119
CFCU	\$ 522			
TOTAL	\$ 1,822,336	\$ 262,449	\$ 1,354,805	
	GRAND TOTAL		\$ 3,439,590	

_____ Schmeichel _____ Bluma _____ Cardoza _____ Weiss _____ Wilde

9:26 AM
03/07/24

Town of Neenah
Check Detail
March 11, 2024

Accounts Payable
\$217,869.04

Date	Num	Name	Memo	Paid Amount
03/11/2024		Aquatic Biologists Inc		
03/11/2024	278325		Permit and processing with areage fee	-135.00
TOTAL				-135.00
03/11/2024		Brazee Ace Hardware	90012	
03/11/2024			Paint supplies for benches	-44.13
TOTAL				-44.13
03/11/2024		Courtney Ascher	Return Security Depsoti from 2/17/2024 rental	
03/11/2024	Security ...		refund security deposit from 2/17/2024 Town Hall Ren...	-100.00
TOTAL				-100.00
03/11/2024		Cowling Property Managment LLC		
03/11/2024	4873		Town Hall snow removal	-52.50
			Conservancy - prepare for prairie burn	-220.00
			CB Trail - painting trail benches	-60.00
			Dog stations	-270.00
TOTAL				-602.50
03/11/2024		Custom Fire Apparatus Inc		
03/11/2024	2nd Inst...		2nd Installment for new fire truck, total contract price ...	-200,000.00
TOTAL				-200,000.00
03/11/2024		Fire Safety U.S.A		
03/11/2024	176546		Bullards	-229.85
TOTAL				-229.85
03/11/2024		First American Title		
03/11/2024	Larsen ...		925-650289538	-225.00
			925-650289539	-225.00
			925-650289141	-225.00
			925-650289140	-225.00
			925-650289540	-225.00
			925-650289541	-225.00
			925-650289542	-225.00
			925-650289543	-225.00
			925-650289188	-225.00
			925-650289187	-225.00
			925-650289666	-225.00
			925-650289547	-225.00
			925-650289548	-225.00
			925-650289549	-225.00
TOTAL				-3,150.00
03/11/2024		Fox Crossing Utilities		
03/11/2024	15121			-3,216.03
TOTAL				-3,216.03
03/11/2024		Gannette Wisconsin Local IQ		
03/11/2024	0006159...		AD for Bid - Chip Seal	-34.20
TOTAL				-34.20

9:26 AM
03/07/24

Town of Neenah
Check Detail
March 11, 2024

Date	Num	Name	Memo	Paid Amount
03/11/2024		J.F. Ahern Company	52210-3	
03/11/2024	635424		Fire Equipment Inspection	-295.62
TOTAL				-295.62
03/11/2024		Krueger True Value		
03/11/2024	81847			-50.35
03/11/2024	99222			-303.87
TOTAL				-354.22
03/11/2024		Kuehl Electric Inc		
03/11/2024	2024071		Add receptacles and drop cords for fire truck	-2,148.43
TOTAL				-2,148.43
03/11/2024		McMahon Associates, Inc		
03/11/2024	934109		Field screening of outfalls	-237.00
03/11/2024	934110		REU Audit	-3,897.00
TOTAL				-4,134.00
03/11/2024		Rhyme	51420-3	
03/11/2024	AR174934		B/W Color	-1,466.00 -156.12
TOTAL				-1,622.12
03/11/2024		Spectrum - Charter Communications		
03/11/2024	1530931...			-339.94
TOTAL				-339.94
03/11/2024		Transcendent Technologies		
03/11/2024	m7199		annual software - Ascent (property tax collection)	-1,463.00
TOTAL				-1,463.00

12:22 PM
03/06/24

Town of Neenah
Payroll Transaction Detail
March 2024

Payroll
Gross = 17,780.10
Net = 16,253.43

Date	Num	Type	Source Name	Payroll Item	Wage Base	Amount				
03/14/2024	DD17...	Paycheck	Armstrong, Glenn	Highway Salary	0.00	150.00				
				Stormwater - Drainage	0.00	125.00				
				Nationwide Retirement Fund	0.00	20.63				
				Nationwide Retirement Fund	0.00	-20.63				
				Highway Expense - Mileage	0.00	37.52				
				Storm Water Expense - Mileage	0.00	29.48				
				Medicare Employee Addl Tax	0.00	0.00				
				Federal Withholding	275.00	0.00				
				Medicare Company	275.00	3.99				
				Medicare Company	275.00	-3.99				
				Medicare Employee	275.00	-3.99				
				WI - Withholding	275.00	0.00				
										338.01
				03/14/2024	DD17...	Paycheck	Bluma, David	Supervisor Salary	0.00	677.50
								Supervisor per diem	0.00	45.00
Storm Water Per Diem	0.00	45.00								
Nationwide Retirement Fund	0.00	57.56								
Nationwide Retirement Fund	0.00	-57.56								
Supervisor Expense Reimburse	0.00	0.00								
Medicare Employee Addl Tax	0.00	0.00								
Federal Withholding	767.50	-61.50								
Medicare Company	767.50	11.13								
Medicare Company	767.50	-11.13								
Medicare Employee	767.50	-11.13								
WI - Withholding	767.50	-30.00								
								664.87		
03/14/2024	DD17...	Paycheck	Boushele, Victoria L	Deputy Clerk	0.00	2,331.00				
				Nationwide Retirement Fund	0.00	174.83				
				Nationwide Retirement Fund	0.00	-174.83				
				Clerk- Mileage	0.00	0.00				
				Medicare Employee Addl Tax	0.00	0.00				
				Federal Withholding	2,331.00	-114.00				
				Medicare Company	2,331.00	33.80				
				Medicare Company	2,331.00	-33.80				
				Medicare Employee	2,331.00	-33.80				
				WI - Withholding	2,331.00	-75.36				
										2,107.84
03/14/2024	DD17...	Paycheck	Cardoza, Brooke	Supervisor Salary	0.00	677.50				
				Supervisor per diem	0.00	45.00				
				Nationwide Retirement Fund	0.00	54.19				
				Nationwide Retirement Fund	0.00	-54.19				
				Supervisor Expense Reimburse	0.00	0.00				
				Medicare Employee Addl Tax	0.00	0.00				
				Federal Withholding	722.50	-50.00				
				Medicare Company	722.50	10.48				
				Medicare Company	722.50	-10.48				
				Medicare Employee	722.50	-10.48				
				WI - Withholding	722.50	-50.00				
						612.02				

Town of Neenah Payroll Transaction Detail March 2024

Date	Num	Type	Source Name	Payroll Item	Wage Base	Amount
03/14/2024	DD17...	Paycheck	Davis, Douglas	Maintenance Salary	0.00	3,062.50
			Davis, Douglas	Election Salary	0.00	200.00
			Davis, Douglas	Parks Salary	0.00	0.00
			Davis, Douglas	Nationwide Retirement Fund	0.00	244.69
			Davis, Douglas	Nationwide Retirement Fund	0.00	-244.69
			Davis, Douglas	Maintenance Expense	0.00	37.23
			Davis, Douglas	Maintenance Mileage	0.00	0.00
			Davis, Douglas	Park Expense Reimbursement	0.00	0.00
			Davis, Douglas	Medicare Employee Addl Tax	0.00	0.00
			Davis, Douglas	Federal Withholding	3,262.50	0.00
			Davis, Douglas	Medicare Company	3,262.50	47.31
			Davis, Douglas	Medicare Company	3,262.50	-47.31
			Davis, Douglas	Medicare Employee	3,262.50	-47.31
			Davis, Douglas	WI - Withholding	3,262.50	0.00
03/14/2024	DD17...	Paycheck	Klinka, Gary	Building Inspector	0.00	536.60
			Klinka, Gary	Nationwide Retirement Fund	0.00	40.25
			Klinka, Gary	Nationwide Retirement Fund	0.00	-40.25
			Klinka, Gary	Medicare Employee Addl Tax	0.00	0.00
			Klinka, Gary	Federal Withholding	536.60	0.00
			Klinka, Gary	Medicare Company	536.60	7.78
			Klinka, Gary	Medicare Company	536.60	-7.78
			Klinka, Gary	Medicare Employee	536.60	-7.78
			Klinka, Gary	WI - Withholding	536.60	0.00
03/14/2024	DD17...	Paycheck	Osero, Daniel W.	Fireman Chief Salary	0.00	700.00
			Osero, Daniel W.	Nationwide Retirement Fund	0.00	52.50
			Osero, Daniel W.	Nationwide Retirement Fund	0.00	-52.50
			Osero, Daniel W.	Fireman Expenses	0.00	0.00
			Osero, Daniel W.	Medicare Employee Addl Tax	0.00	0.00
			Osero, Daniel W.	Federal Withholding	700.00	0.00
			Osero, Daniel W.	Medicare Company	700.00	10.15
			Osero, Daniel W.	Medicare Company	700.00	-10.15
			Osero, Daniel W.	Medicare Employee	700.00	-10.15
			Osero, Daniel W.	WI - Withholding	700.00	0.00
						689.85
03/14/2024		Paycheck	Schmeichel, Robert...	Chairman Wage	0.00	1,355.00
			Schmeichel, Robert...	Chairman per diem	0.00	360.00
			Schmeichel, Robert...	Nationwide Retirement Fund	0.00	128.63
			Schmeichel, Robert...	Nationwide Retirement Fund	0.00	-128.63
			Schmeichel, Robert...	Chairman - Expense Reimburse	0.00	22.78
			Schmeichel, Robert...	Medicare Employee Addl Tax	0.00	0.00
			Schmeichel, Robert...	Federal Withholding	1,355.00	-100.00
			Schmeichel, Robert...	Medicare Company	1,715.00	24.87
			Schmeichel, Robert...	Medicare Company	1,715.00	-24.87
			Schmeichel, Robert...	Medicare Employee	1,715.00	-24.87
			Schmeichel, Robert...	WI - Withholding	1,715.00	-71.00

Town of Neenah Payroll Transaction Detail March 2024

Date	Num	Type	Source Name	Payroll Item	Wage Base	Amount			
03/14/2024	DD17...	Paycheck	Skerke, Ellen J	Clerk Salary	0.00	5,780.00			
			Skerke, Ellen J	WRS Employee Contribution	0.00	-398.82			
			Skerke, Ellen J	WRS Company Contribution	0.00	398.82			
			Skerke, Ellen J	WRS Company Contribution	0.00	-398.82			
			Skerke, Ellen J	Nationwide Retirement Fund	0.00	433.50			
			Skerke, Ellen J	Nationwide Retirement Fund	0.00	-433.50			
			Skerke, Ellen J	Wisconsin Health Insurance	0.00	-224.92			
			Skerke, Ellen J	Wisconsin Health - EmployER	0.00	899.68			
			Skerke, Ellen J	Wisconsin Health - EmployER	0.00	-899.68			
			Skerke, Ellen J	Clerk- Mileage	0.00	18.76			
			Skerke, Ellen J	Clerk - Office Exp Reimburse	0.00	778.68			
			Skerke, Ellen J	Election Exp Reimburse	0.00	136.05			
			Skerke, Ellen J	Medicare Employee Addl Tax	0.00	0.00			
			Skerke, Ellen J	Federal Withholding	5,156.26	-832.00			
			Skerke, Ellen J	Medicare Company	5,555.08	80.55			
			Skerke, Ellen J	Medicare Company	5,555.08	-80.55			
			Skerke, Ellen J	Medicare Employee	5,555.08	-80.55			
			Skerke, Ellen J	WI - Withholding	5,156.26	-227.20			
									4,950.00
			03/14/2024		Paycheck	Weiss, James	Supervisor Salary	0.00	677.50
Weiss, James	Supervisor per diem	0.00				90.00			
Weiss, James	Nationwide Retirement Fund	0.00				57.56			
Weiss, James	Nationwide Retirement Fund	0.00				-57.56			
Weiss, James	Supervisor Expense Reimburse	0.00				0.00			
Weiss, James	Medicare Employee Addl Tax	0.00				0.00			
Weiss, James	Federal Withholding	767.50				0.00			
Weiss, James	Medicare Company	767.50				11.13			
Weiss, James	Medicare Company	767.50				-11.13			
Weiss, James	Medicare Employee	767.50				-11.13			
Weiss, James	WI - Withholding	767.50				0.00			
						756.37			
03/14/2024	DD17...	Paycheck	Wilde, Thomas	Supervisor Salary	0.00	677.50			
			Wilde, Thomas	Supervisor per diem	0.00	45.00			
			Wilde, Thomas	Nationwide Retirement Fund	0.00	54.19			
			Wilde, Thomas	Nationwide Retirement Fund	0.00	-54.19			
			Wilde, Thomas	Supervisor Expense Reimburse	0.00	0.00			
			Wilde, Thomas	Medicare Employee Addl Tax	0.00	0.00			
			Wilde, Thomas	Federal Withholding	722.50	-72.00			
			Wilde, Thomas	Medicare Company	722.50	10.47			
			Wilde, Thomas	Medicare Company	722.50	-10.47			
			Wilde, Thomas	Medicare Employee	722.50	-10.47			
			Wilde, Thomas	WI - Withholding	722.50	-25.81			
									614.22
03/14/2024	DD17...	Paycheck	Plier, Christopher J.	Fireman Chief Salary	0.00	200.00			
			Plier, Christopher J.	Nationwide Retirement Fund	0.00	15.00			
			Plier, Christopher J.	Nationwide Retirement Fund	0.00	-15.00			
			Plier, Christopher J.	Fireman Expenses	0.00	0.00			
			Plier, Christopher J.	Medicare Employee Addl Tax	0.00	0.00			
			Plier, Christopher J.	Federal Withholding	200.00	0.00			
			Plier, Christopher J.	Medicare Company	200.00	2.90			
			Plier, Christopher J.	Medicare Company	200.00	-2.90			
			Plier, Christopher J.	Medicare Employee	200.00	-2.90			
			Plier, Christopher J.	WI - Withholding	200.00	0.00			
									197.10
TOTAL						16,253.43			

11:36 AM
03/07/24

Town of Neenah
Check Detail
March 13, 2024

Election Payroll
\$1,624.00

Date	Num	Name	Memo	Paid Amount
03/13/2024	28768	Armstrong, Kristi		
03/13/2024	Spring P...		Spring 2024 Primary	-60.00
TOTAL				-60.00
03/13/2024	28769	Barker , Dawn		
03/13/2024	Spring P...		Spring 2024 Primary	-236.00
TOTAL				-236.00
03/13/2024	28770	Behringer, Sharon		
03/13/2024	Spring P...		Spring 2024 Primary	-224.00
TOTAL				-224.00
03/13/2024	28771	Bluma, David (v)		
03/13/2024	Spring P...		Spring 2024 Primary	-24.00
TOTAL				-24.00
03/13/2024	28772	Bowen, Patricia G		
03/13/2024	Spring P...		Spring 2024 Primary	-60.00
TOTAL				-60.00
03/13/2024	28773	Epley, Linda		
03/13/2024	Spring P...		Spring 2024 Primary	-72.00
TOTAL				-72.00
03/13/2024	28774	Gauger, Sandra		
03/13/2024	Spring P...		Spring 2024 Primary	-48.00
TOTAL				-48.00
03/13/2024	28775	Hendrickson, Kay		
03/13/2024	Spring P...		Spring 2024 Primary	-66.00
TOTAL				-66.00
03/13/2024	28776	Nelson, Tom		
03/13/2024	Spring P...		Spring 2024 Primary	-72.00
TOTAL				-72.00
03/13/2024	28777	Sargent, Lori (v)		
03/13/2024	Spring P...		Spring 2024 Primary	-24.00
TOTAL				-24.00
03/13/2024	28778	Schmeichel, Susan A.		
03/13/2024	Spring P...		Spring 2024 Primary	-298.00
TOTAL				-298.00

11:36 AM
03/07/24

Town of Neenah
Check Detail
March 13, 2024

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>
03/13/2024	28779	Shaddock, Deb		
03/13/2024	Spring P...		Spring 2024 Primary	-78.00
TOTAL				-78.00
03/13/2024	28780	Swanson, Eileen		
03/13/2024	Spring P...		Spring 2024 Primary	-66.00
TOTAL				-66.00
03/13/2024	28781	Webster, Wanda		
03/13/2024	Spring P...		Spring 2024 Primary	-60.00
TOTAL				-60.00
03/13/2024	28782	Wilde, Barb		
03/13/2024	Spring P...		Spring 2024 Primary	-236.00
TOTAL				-236.00

2:54 PM
03/06/24

Town of Neenah
Check Detail
March 15, 2024

FD Payroll
Gross = \$ 2400.00
Net = \$ 2,365.20

Date	Num	Name	Memo	Paid Amount
03/15/2024	DD1...	Dahlberg, Andrew	Direct Deposit	
			Direct Deposit	-1,200.00
			Direct Deposit	-90.00
			Direct Deposit	90.00
			Direct Deposit	-17.40
			Direct Deposit	17.40
			Direct Deposit	17.40
			Direct Deposit	1,182.60
TOTAL				0.00
03/15/2024	DD1...	Keller, Quinten	Direct Deposit	
			Direct Deposit	-1,200.00
			Direct Deposit	-90.00
			Direct Deposit	90.00
			Direct Deposit	-17.40
			Direct Deposit	17.40
			Direct Deposit	17.40
			Direct Deposit	1,182.60
TOTAL				0.00

12:22 PM
03/06/24

Town of Neenah
Payroll Transaction Detail
March 2024

Nationwide
\$1,333.53

Date	Num	Type	Source Name	Payroll Item	Wage Base	Amount
03/14/2024	DD17...	Paycheck	Armstrong, Glenn	Nationwide Retirement Fund	0.00	-20.63
						-20.63
03/14/2024	DD17...	Paycheck	Bluma, David	Nationwide Retirement Fund	0.00	-57.56
						-57.56
03/14/2024	DD17...	Paycheck	Boushele, Victoria L	Nationwide Retirement Fund	0.00	-174.83
						-174.83
03/14/2024	DD17...	Paycheck	Cardoza, Brooke	Nationwide Retirement Fund	0.00	-54.19
						-54.19
03/14/2024	DD17...	Paycheck	Davis, Douglas	Nationwide Retirement Fund	0.00	-244.69
						-244.69
03/14/2024	DD17...	Paycheck	Klinka, Gary	Nationwide Retirement Fund	0.00	-40.25
						-40.25
03/14/2024	DD17...	Paycheck	Osero, Daniel W.	Nationwide Retirement Fund	0.00	-52.50
						-52.50
03/14/2024	DD17...	Paycheck	Pflier, Christopher J.	Nationwide Retirement Fund	0.00	-15.00
						-15.00
03/14/2024		Paycheck	Schmeichel, Robert...	Nationwide Retirement Fund	0.00	-128.63
						-128.63
03/14/2024	DD17...	Paycheck	Skerke, Ellen J	Nationwide Retirement Fund	0.00	-433.50
						-433.50
03/14/2024		Paycheck	Weiss, James	Nationwide Retirement Fund	0.00	-57.56
						-57.56
03/14/2024	DD17...	Paycheck	Wilde, Thomas	Nationwide Retirement Fund	0.00	-54.19
						-54.19
TOTAL						-1,333.53

11:28 AM
03/06/24

Town of Neenah
Payroll Liability Balances
March 2024

Payroll Tax
Federal = \$ 1,738.62
State = \$ 479.37

	BALANCE
Payroll Liabilities	
Federal Withholding	1,229.50
Medicare Employee	254.56
Medicare Company	254.56
WI - Withholding	479.37
Medicare Employee Addl Tax	0.00
Total Payroll Liabilities	<u>2,217.99</u>

1,738.62

12:22 PM
03/06/24
Accrual Basis

Town of Neenah
General Ledger
As of March 31, 2024

WI Retirement
\$ 797.64

Type	Date	Num	Name	Memo	Split	Amount
21530-0 · WRS Payable						
Paycheck	03/14/2024	DD17...	Skерke, Ellen J	Direct Deposit	11010-1 · Che...	398.82
Paycheck	03/14/2024	DD17...	Skерke, Ellen J	Direct Deposit	11010-1 · Che...	398.82
Total 21530-0 · WRS Payable						797.64
34300-0 · Fund Balances Town of Neenah						
Total 34300-0 · Fund Balances Town of Neenah						
51420-0 · Clerk - Salary						
Paycheck	03/14/2024	DD17...	Skерke, Ellen J	Direct Deposit	11010-1 · Che...	-5,780.00
Total 51420-0 · Clerk - Salary						-5,780.00
TOTAL						-4,982.36

Health Insurance

\$1,124.60

12:22 PM

03/06/24

Accrual Basis

Town of Neenah
General Ledger
As of March 31, 2024

Type	Date	Num	Name	Memo	Split	Amount
21533-0 · Health Insurance Payable						
Paycheck	03/14/2024	DD17...	Skerke, Ellen J	Direct Deposit	11010-1 · Che...	224.92
Paycheck	03/14/2024	DD17...	Skerke, Ellen J	Direct Deposit	11010-1 · Che...	899.68
Total 21533-0 · Health Insurance Payable						1,124.60
TOTAL						1,124.60

Town of Neenah
Deposit Detail
February 2024

Deposit Report

Date	Name	Memo	Account	Amount
02/01/2024		Deposit - WEB	11060-1 · Taxes Collected -Pro...	13,384.60
	Tax Payer	WEb payment 2-1-2024 e check	26101-0 · R.E. Taxes Collected	-13,384.60
	TOTAL			-13,384.60
02/01/2024		Deposit #32	11060-1 · Taxes Collected -Pro...	30,135.05
	Tax Payer	Batch #32	26101-0 · R.E. Taxes Collected	-30,135.05
	TOTAL			-30,135.05
02/02/2024		Deposit Batch #33	11060-1 · Taxes Collected -Pro...	107,008.67
	Tax Payer	Batch #33	26101-0 · R.E. Taxes Collected	-107,008.67
	TOTAL			-107,008.67
02/05/2024		Deposit #34	11060-1 · Taxes Collected -Pro...	5,223.23
	Tax Payer	Batch #34 - FINAL before Februa...	26101-0 · R.E. Taxes Collected	-5,223.23
	TOTAL			-5,223.23
02/07/2024		Deposit	11011-1 · General MM - Prospe...	7,326.43
	Assessment letters	Deposit	46110-0 · Clerk's Assessment Le...	-60.00
	AT & T Franchise Fees	Deposit	44101-0 · At&T Franchise Fees	-244.18
	Cermak Lease	Deposit	48200-2 · Land Rent	-500.00
	Dog Licenses	Deposit	44210-0 · Dog Licenses Fee	-35.00
	Building Permits	Deposit	44310-0 · Building Permits	-5,987.25
	Impact Fees	187 Rockwood Ln	44325-0 · Building Permits - Imp...	-500.00
	TOTAL			-7,326.43
02/16/2024		Deposit	11011-1 · General MM - Prospe...	270.76
	Other	return petty cash to savings	11800-0 · Petty Cash	-270.76
	TOTAL			-270.76
02/16/2024		Deposit	11060-1 · Taxes Collected -Pro...	13,309.36
	Tax Payer	Persoanl proerty taxes collected	26101-0 · R.E. Taxes Collected	-13,309.36
	TOTAL			-13,309.36
02/20/2024		Deposit	11060-1 · Taxes Collected -Pro...	8,502.23
	Tax Payer	Reissue of e-check that did not cl...	26101-0 · R.E. Taxes Collected	-8,467.23
	Tax Payer	check fee for e-check that did not...	46110-1 · Clerk's Admin. Fees	-35.00
	TOTAL			-8,502.23
02/23/2024		Deposit - ACH	11011-1 · General MM - Prospe...	751.62
	Winnebago Cty. Treasurer	payment from Winnebago County...	44210-0 · Dog Licenses Fee	-751.62
	TOTAL			-751.62

**Town of Neenah
Deposit Detail
February 2024**

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
02/29/2024		Interest	6-11021 · Stormwater CD - Pro...	1,085.48
		Interest	6-48170 · Interest Income - Stor...	-1,085.48
TOTAL				-1,085.48
02/29/2024		Interest	11011-1 · General MM - Prospe...	3,451.37
		Interest	48110-0 · Interest Income	-3,451.37
TOTAL				-3,451.37
02/29/2024		Interest	11060-1 · Taxes Collected -Pro...	4,623.03
		Interest	48195-0 · Interest - Collected Ta...	-4,623.03
TOTAL				-4,623.03
02/29/2024		Interest	6-11020 · SW Savings - Prospe...	1,460.31
		Interest	6-48150 · Interest Income - Stor...	-1,460.31
TOTAL				-1,460.31
02/29/2024		Interest	6-11050 · SW - BNY Mellon-Per...	7,181.85
		Interest	6-48150 · Interest Income - Stor...	-7,181.85
TOTAL				-7,181.85
02/29/2024		Interest	11320-5 · BNY Mellon - Tullar R...	32.50
		Interest	48160-0 · Interest Income- Tullar...	-32.50
TOTAL				-32.50
02/29/2024		Interest	11900-0 · BNY Mellon - Pershing	2,154.31
		Interest	48110-0 · Interest Income	-2,154.31
TOTAL				-2,154.31
02/29/2024		Interest	11010-1 · Checking - Prospera...	55.83
		Interest	48110-0 · Interest Income	-55.83
TOTAL				-55.83

Ordinance 2024-01

TOWN OF NEENAH
WINNEBAGO COUNTY, WISCONSIN

**ORDINANCE AMENDING CHAPTER 13, PUBLIC WORKS,
TOWN OF NEENAH CODE OF ORDINANCES**

The Town Board of the Town of Neenah, with quorum present and voting, hereby ordains the following amendments to Chapter 13, Public Works, of the Town of Neenah Code of Ordinances:

13.09 Work in Right of Way is created to read:

- (1) Permit required for excavations; fee; insurance.
 - (a) Permit required.
 1. No person, partnership, utility or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public road, public way, public ground, public sidewalk or Town-owned easement; or fill or alter any culvert or construction; or install additions or extensions to their or its existing facilities within the Town of Neenah; or install utility infrastructure (including sewer or water infrastructure) in any public road, public way, public ground, public sidewalk, or Town-owned easement without a permit therefor granted by the Town Board.
 2. The applicant shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open cut or auguring, provisions of restoration and any other materials requested by the Town. By submitting an application, the applicant agrees to be bound by the terms of this Ordinance.
 - (b) Fee. The fee for a permit shall be determined by resolution of the Town Board. The fee shall be paid at the time of application.
 - (c) Insurance required. A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that the applicant has in force and will maintain during the time the permit is in effect liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The Town shall be named an additional insured on the policy.
- (2) Regulations governing excavations and openings.

- (a) Frozen ground. No openings in the roads or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town.
- (b) Removal of paving. In any opening or excavation, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water.
- (c) Protection of public.
 - 1. Every opening and excavation shall be enforced with barriers. Warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Town, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet where pipe or conduit has been laid.
 - 2. All necessary precautions shall be taken to guard the public from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) Replacing road surface. Upon completion of work pursuant to a permit issued by the Town, the applicant shall restore the site to its original condition.
- (e) Notice. The permittee shall notify the Town Road Supervisor, Winnebago County Sheriff's Department and all private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Town Road Supervisor shall also be notified at least four hours prior to backfilling and/or restoring the surface.
- (f) Validity of Permit. Unless the work shall be commenced within the time prescribed in the permit, the permit shall be void and a new permit must be obtained and an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the

site of construction and during the restoration period a copy of the construction plans and Town permit.

- (g) Emergency excavation. In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public road or way and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.
 - (h) Exception. The provisions of this section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town.
- (3) Obstruction of intersections or signs; trees, fences, poles and other structures.
- (a) Obstruction of intersections. No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more roads in the Town any hedge, tree, shrub or other growth or object which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
 - (b) Obstruction of signs. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
 - (c) Abatement procedure. Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be danger to public travel, and the Town shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specific, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof may be assessed to the owner.
 - (d) Vegetation in right-of-way. Other than mowing, no person shall till, graze, kill or destroy the vegetation in the right-of-way. No person shall plant additional vegetation in the right-of-way.
 - (e) Fences, poles and other structures. No person shall build or reconstruct any fence, pole or other structure within the public road right-of-way measured

from the center of the road to a point 18 inches from the back line of the right-of-way unless otherwise approved by the Town. This provision shall not apply to mailboxes and boxes for delivery of newspapers.

- (4) Deposit of waste or rubbish on right-of-way.
 - (a) It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, dirt, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Neenah.
- (5) Structures and construction in Town right-of-way.
 - (a) Mailboxes and boxes for delivery of newspapers. The provision of this Ordinance shall not apply to the installation of mailboxes and boxes for the delivery of newspapers.
 - (b) Existing structures and obstructions. Any existing structure, sign, fence, wall, pavement or other obstruction (including trees) which, in the judgment of the Town, will prevent proper snow removal from the pavement and shoulders or mowing of the ditches of the Town highway shall be removed by the owner or occupant of the adjacent property within 15 days of receiving written notice from the Town. If the owner or occupant does not remove said structure or obstruction within the allotted time, the Town shall remove it or make arrangements to have the obstruction removed and the expense of removal shall be charged to the adjacent property as a special charge or special assessment.
- (6) Violations.
 - (a) Any person, persons, partnerships, company or corporation who violates any provision of this Ordinance shall be subject to a forfeiture of not less than \$200 nor more than \$1,000 for each violation. For purposes of determining forfeitures, each day that a violation continues shall be considered a separate offense. In addition, the Town shall be entitled to recover its reasonable attorneys' fees included in any enforcement action and shall be entitled to injunctive relief, abatement orders, and other equitable relief.

All other provisions of the Town's Code of Ordinances remain in full force and effect.

The Town Clerk-Treasurer and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

This Ordinance shall be posted or published in accordance with law.

Dated this _____ day of _____, 2024.

TOWN OF NEENAH

By:

Robert Schmeichel, Town Chairperson

Attest:

Ellen Skerke, Clerk-Treasurer

MEMORANDUM

To: Town Board

From: Ellen Skerke, Administrator-Clerk-Treasurer

Date: March 7, 2024



Memo: Resolution 2024-06: Resolution requesting coordination and collaboration by and between the Winnebago County Zoning Department and the Town of Neenah

Attached is Resolution 2024-06 which is on the agenda for approval.

Following the Resolution is a narrative explaining the issue. The narrative was written up by Town of Winchester Clerk Holly Stevens in conjunction with Town of Winchester Chair Matt Olson and Town of Oshkosh Chair Jim Erdman.

Following the narrative is a second resolution that pertains to towns that administer their own zoning. This resolution is not part of the Town of Neenah Board approval. I provided the document so that you are aware of the language that the 11 towns that have local zoning will consider.

**Town of Neenah
Winnebago County, Wisconsin
Resolution 2024-06**

**A Resolution Requesting Coordination and Collaboration by and between the
Winnebago County Zoning Department and the Town of Neenah.**

Whereas, Winnebago County, Wisconsin is 579 square miles and is comprised of 22 local units of government including 15 unincorporated Towns;

Whereas, WI Stats. NR115 requires Counties to regulate shorelands in unincorporated areas;

Whereas, Winnebago County adopted Chapter 27 Shoreland Zoning Code to regulate shorelands in unincorporated areas within Winnebago County;

Whereas, Winnebago County Chapter 27 Shoreland Zoning Code incorporates by reference Winnebago County Chapter 23 Town/County General Zoning Code;

Whereas, the incorporation of Chapter 23 Town/County Zoning Code includes the said chapter in its entirety;

Whereas, Winnebago County Chapter 23 Town/County Zoning Code Section 23.1-3 states, *“The provisions of this chapter shall only apply in those towns in Winnebago County where such town board has passed a resolution adopting this chapter...”*;

Whereas, the Town of Neenah has, by Resolution, adopted Winnebago County Chapter 23 Town/County Zoning Code and recognizes the administrative authority of the Winnebago County Zoning Department both in and out of shoreland areas;

Whereas, local land use and development is unique to individual communities both in and out of shoreland areas, and as such, local knowledge provides the best insight for zoning decisions;

Whereas, the Town of Neenah has more local knowledge of their community than the larger, overlying county government unit.

Whereas, the local community will benefit from regulation provided through a coordinated and collaborative effort between the County and the Town;

Whereas, the Town of Neenah desires a coordinated and collaborative working relationship with the Winnebago County Zoning Department;

Now therefore, be it resolved, the Town of Neenah requests that Winnebago County recognize the benefits of the local knowledge of the Town of Neenah community provided by the local Town officials, and as such, actively seek, establish, and implement Zoning regulation procedures which incorporate coordination and collaboration by and between the Town of Neenah and the Winnebago County Zoning Department.

Be it further resolved, the Town of Neenah also requests that the Towns and County work together to develop a uniform process for the coordination and collaborative association by and between Winnebago County Zoning Department and all 15 unincorporated Towns of Winnebago County for the Zoning Regulation both in and out of shoreland areas.

Adopted this 11th day of March, 2024

by a vote of ____ Ayes; ____ Nays; ____ Abstain; ____ Absent

Robert Schmeichel, Chairperson

David Bluma, Supervisor

Brooke Cardoza, Supervisor

Jim Weiss, Supervisor

Tom Wilde, Supervisor

Attest:

Ellen Skerke, Administrator/Clerk/Treasurer

February 29, 2024

To: WTA Winnebago County Unit Members

Town of Algoma
Town of Black Wolf
Town of Clayton
Town of Neenah
Town of Nekimi
Town of Nepeuskun
Town of Omro
Town of Oshkosh

Town of Poygan
Town of Rushford
Town of Utica
Town of Vinland
Town of Winneconne
Town of Winchester
Town of Wolf River

RE: Concerns regarding the Winnebago County Zoning Department Policy and Practices, and the need for Coordination between the County and the Towns

Recent conversations have revealed that almost every town in Winnebago County has issues and concerns with the Winnebago County Zoning Department. While each town's experience is unique, the most common thread is the County Zoning Department's refusal to acknowledge towns' interests and, in many cases, their jurisdictional authority relating to General Zoning Regulation. The following narrative is an attempt to summarize the multi-faceted issue for those unfamiliar with it. While it is anything but exhaustive, the intent is to provide enough factual information to understand the issue, and to identify the common objectives shared by the towns in Winnebago County.

With many variables in play, the issue is convoluted and proves difficult to understand. Some towns continue to utilize WINNEBAGO COUNTY Chapter 23 Town/County Zoning regulation, while other towns have instead adopted their own general zoning authority pursuant to WI Stats. Section 62.23(7). Further complicating the issue is the overlying regulation of Shorelands as required of the County by WI DNR regulation NR 115 and WI Stats. Chapter 59.

Towns which continue to utilize County Chapter 23 General Zoning regulation have expressed concern with the County's refusal to cooperatively work with them. The County unilaterally exercises zoning authority, ignoring and/or dismissing input from the towns which has proven to result in decisions which have adversely affected the local communities. The goal for these towns is to establish a collaborative relationship with the county providing two-way communications and a partnership for the benefit of all involved.

For Towns which have adopted their own local general zoning authority the issue is more complicated. They share the same goal of a collaborative relationship with the County, but they have an additional goal. While the county recognizes their general zoning authority in some areas, it refuses to recognize that same authority in shoreland areas. In these shoreland areas, the County imposes its own general zoning authority pointing to their Chapter 27 Shoreland Zoning regulation which incorporates by reference the County Chapter 23 General Zoning regulations. This action in and of itself is questionable, however, they claim their authority is statutory based on WI Chapter 59. There are varying legal opinions for and against this claim.

Recent State Legislative actions, including 2015 Act 41 and 2019 Act 145 indicate the confusion over jurisdictional authority in shoreland areas is not unique to Winnebago County. While it is largely agreed that the intent of the Legislative Acts was to clarify and provide General Zoning Authority to Towns

within shoreland areas, the Acts seem to lack absolute verbiage, leaving them open to interpretation. With no case law to clarify the legislative intent, many counties, including Winnebago County have chosen to continue the status quo.

However, despite the ambiguity of the legislative language, some of the towns in Winnebago County strongly believe the matter, for our intents and purposes, can be resolved locally. The overreach of authority by the Winnebago County Zoning Department is identified within its own regulation. A fact which has been brought to the County's attention, but which they simply choose to ignore. Specifically, Chapter 23, Section 23-1.3 states, "The provisions of this chapter shall only apply in those towns in Winnebago County where such town board has passed a resolution adopting this chapter..." Towns which have followed the statutory process to adopt their own general zoning authority pursuant to WI Stats. Section 62.23(7) have not adopted a resolution as identified in Chapter 23-1.3 and therefore, are not subject to Chapter 23 regulation. The incorporation of Chapter 23 by reference in Chapter 27 must incorporate the Chapter 23 regulation in its entirety—the incorporation by reference does not nullify Chapter 23, Section 23-1.3, but rather must include it. In other words, without the town adoption of Chapter 23, the County does not have the authority to exercise Chapter 23 general zoning regulation, even in shoreland areas.

Which brings us to the goal for these towns—for Winnebago County to recognize their General Zoning authority in both shoreland and non-shoreland areas, and to establish a collaborative relationship with the county providing two-way communications and a partnership when both General Zoning and Shoreland Zoning regulation apply for the benefit of all involved.

While clarification of the Legislative Acts and reconciliation of the various state statutes relating to shoreland zoning and general zoning authority is the ultimate goal, the complexities of the issue will most certainly require the involvement of legal counsel and potentially additional legislative actions. Both of which can be very time-consuming and costly which is not a financially viable option for most towns. The County is very aware of this and has and will continue to delay concession of authority based on these factors.

However, with a unified voice and an alternative approach using the County's own ordinance language to our benefit, we feel our common goals can be achieved despite the overlying complexities remaining unresolved. As such, each town is being asked to consider approving the Resolution, all of which will then be compiled, and copies given to County Executive Jon Doemel. While there are no guarantees, we are hopeful a unified effort will have positive results.

It is worth noting that a productive, coordinated, and collaborative working relationship with the County is the ultimate goal. While the jurisdictional authority for general zoning in shoreland areas is extremely important, we are confident that over time, the state level clarifications and changes will prevail in our favor. With this in mind, it is essential that any and all actions, whether taken individually or collectively, must be approached cautiously and tactfully so as not to jeopardize the development of this synergy between the towns and the county.

**Town of Oshkosh
Resolution 2024-XXX**

**A Resolution Requesting Coordination and Collaboration by and between the
Winnebago County Zoning Department and the Town of Oshkosh.**

Whereas, Winnebago County, Wisconsin is 579 square miles and is comprised of 22 local units of government including 15 unincorporated Towns;

Whereas, WI Stats. NR115 requires Counties to regulate shorelands in unincorporated areas;

Whereas, Winnebago County adopted Chapter 27 Shoreland Zoning Code to regulate shorelands in unincorporated areas within Winnebago County;

Whereas, Winnebago County Chapter 27 Shoreland Zoning Code incorporates by reference Winnebago County Chapter 23 Town/County General Zoning Code;

Whereas, the incorporation of Chapter 23 Town/County Zoning Code includes the said chapter in its entirety;

Whereas, Winnebago County Chapter 23 Town/County Zoning Code Section 23.1-3 states, *“The provisions of this chapter shall only apply in those towns in Winnebago County where such town board has passed a resolution adopting this chapter...”*;

Whereas, the Town of Oshkosh has not adopted Winnebago County Chapter 23 Town/County Zoning Code;

Whereas, the Town of Oshkosh has adopted its own local general zoning authority pursuant to WI Stats. Section 62.23(7);

Whereas, local land use and development is unique to individual communities both in and out of shoreland areas, and as such, local knowledge provides the best insight for zoning decisions;

Whereas, the Town of Oshkosh has more local knowledge of their community than the larger, overlying county government unit.

Whereas, the Town of Oshkosh wishes to exercise its sovereign general zoning authority in and out of shoreland areas located within its municipal boundaries;

Whereas, the local community will benefit from and the Town of Oshkosh desires a coordinated and collaborative working relationship with the Winnebago County Zoning Department relating to the Town’s General Zoning authority and the County’s Shoreland Zoning authority;

Now therefore, be it resolved, the Town of Oshkosh requests that Winnebago County recognize that Winnebago County Chapter 27 Shoreland Zoning Code incorporates by reference Winnebago County Chapter 23 Town/County Zoning Code in its entirety including Chapter 23, Section 23-1.3;

Be it further resolved, the Town of Oshkosh requests that Winnebago County recognize that the Town of Oshkosh has not adopted by resolution as required and prescribed by Winnebago County Chapter 23, Section 23-1.3, and as such Winnebago County does not hold any general zoning authority in the Town of Oshkosh.

Be it further resolved, the Town of Oshkosh requests that Winnebago County recognize the benefits of the local knowledge of the Town of Oshkosh community provided by the local Town officials, and as such, actively seek, establish, and implement Zoning regulation procedures which incorporate coordination and collaboration by and between the Town of Oshkosh as it exercises its general zoning authority and the Winnebago County Zoning Department as it exercises its shoreland zoning authority;

Be it further resolved, the Town of Oshkosh also requests that the Towns and County work together to develop a uniform process for the coordination and collaborative association by and between Winnebago County Zoning Department and all 15 unincorporated Towns of Winnebago County for the Zoning Regulation both in and out of shoreland areas.

Adopted this _____ day of _____, 2024

by a vote of ____ Ayes; ____ Nays; ____ Abstain; ____ Absent

Jim Erdman, Chairperson

Matt Merten, Supervisor

William Demler, Supervisor

Attest:

Jeannette Merten, Clerk

MEMORANDUM

To: Town Board and Fire Chief Osero
From: Ellen Skerke, Administrator-Clerk-Treasurer
Date: March 7, 2024
Memo: Friends of Town of Neenah Fire Department Process



As discussed at the previous town Board Meeting, the Fire Department is moving forward establishing a 501(c)(3)

The March 11, 2024 Town Board Agenda has several items for approval which will complete the process and form the organization.

Agenda items 6f. Articles of Incorporation and By-Laws. The Articles of Incorporation establish the organization. Members of the Town Board is the incorporators and are the ones that take action to form the Friends of Town of Neenah organization. By-Laws are the rules under which the organization is governed. Matt Parmentier completed the Articles of Incorporation document and finalized the By-Laws.

Agenda Item 6g. State of Wisconsin Charitable Organization Application. This document is currently pending, Matt Parmentier has a staff member working on this document. Another document required as part of this process.

Agenda Item 6h. Conflict of Interest Policy. You may recall, this was in originally in the draft By-Laws and based on Matt Parmentier's recommendation pulled out to be approved separately as a poict rather than part of the By-Laws.

Agenda Item 6i. Appoint Board of Directors for Friends of Town of Neenah Fire Department. Since the Town Board is the incorporators, the Town Board must appoint he initial Board of Directors. Per the By-Laws, the Fire Department slate of elected positions makes up the Board of Directors, thus the Fire Department President, Vice President, Secretary and Treasurer are on the Board of Directors for Friends of TNFD in these same positions, as well as the Fire Chief.

After these 4 steps are approved at the Town Board level, the Friends of TNFD Board of Directors takes over and completes the application for IRS 501(c)(3) status.

Filing for Federal Employer Identification Number (EIN) is a separate activity and is already completed.



FORM **102**

**ARTICLES OF INCORPORATION
NONSTOCK CORPORATION**

Sec. 181.0202, Wis. Stats.

Article 1. Name of the corporation: Friends of Town of Neenah Fire Department

Article 2. The corporation is incorporated under chapter 181 of the Wisconsin Statutes.

Article 3. Name of the initial registered agent: Town of Neenah Clerk-Treasurer

Article 4. Email address of initial registered agent: eskerke@tn.neenah.wi.gov

Article 5. Street address of the initial registered office:
(The registered office address must be an actual physical location with a street address and not solely a P.O. Box or mailbox service.)

1600 Breezewood Lane
Neenah, WI 54956

Article 6. Mailing address of the initial principal office:

1600 Breezewood Lane
Neenah, WI 54956

Article 7. The corporation: will have members. will not have members. *(You must mark one)*

Article 8 (if applicable). Check only if applicable:

The corporation is authorized to make distributions under section 181.1302(4), Wis. Stats.

Article 9. The name and complete address of each incorporator of the corporation (attach additional pages labeled "Article 9" if necessary):

See Attached.

Article 10 (optional). Attach any further provisions on additional pages labeled "Article 10," "Article 11," and so forth as needed. See the instructions at the end of this form for further information.

Execution. This document must be signed by a person acting as an incorporator for the corporation.

Incorporator's Signature

Date

Robert Schmeichel

Printed Name

This document was drafted by: Attorney Matthew Parmentier
(Name the individual who drafted the document)

(Optional) This document has a **delayed** effective date: _____
(up to 90 days after received date)

Contact Information:

Town of Neenah Clerk-Treasurer
Name

1600 Breezewood Lane
Mailing Address

Neenah WI 54956
City State Zip Code

eskerke@tn.neenah.wi.gov 920-725-0916
Email Address Phone Number

INSTRUCTIONS (Refer to section 181.0202, Wis. Stats., for document content)

Please use BLACK ink. Submit one original to State of WI-Dept. of Financial Institutions, Box 93348, Milwaukee WI, 53293-0348, together with a check for the \$35.00 filing fee, payable to the Department of Financial Institutions. (If sent by express or priority U.S. mail, please mail to State of WI-Dept. of Financial Institutions, Division of Corporate and Consumer Services, 4822 Madison Yards Way, 4th Fl., North Tower, Madison WI, 53705.) If requesting optional expedited service, please check the expedited service box in the upper-right corner of the first page and include an additional \$25.00. Filing fees are non-refundable. This document can be made available in alternate formats upon request to qualifying individuals with disabilities. Upon filing, the information in this document becomes public and might be used for purposes other than those for which it was originally furnished. If you have any questions, please contact the Division of Corporate & Consumer Services at 608-261-7577 (hearing-impaired may call 711 for TTY) or by email at DFICorporations@dfi.wisconsin.gov.

Article 1. The name must contain the word “corporation”, “incorporated”, “company”, or “limited” or the abbreviation “corp.”, “inc.”, “co.” or “ltd.” or comparable words or abbreviations in another language. The name must also be distinguishable on the records of the Department from other entities that are registered with the Department and from any name that has been reserved or registered with the Department. You can preliminarily check the availability of an entity name using the Department’s corporate records database, which is publicly available through the Department’s website, but a final determination of name availability cannot be guaranteed until the document has been received, examined, and filed by the Department. Additional limitations may apply; see section 181.0401, Wis. Stats., for further details.

Article 2. This statement is required by section 181.0202(1)(a) of the Wisconsin Statutes.

Articles 3 & 4. Enter the name of the corporation’s registered agent and the email address of that agent. Annual report forms, notices and other official communications are directed to the corporation’s registered agent, so it is important to keep this information current. The corporation may not name itself as its own registered agent.

Article 5. The entity must have a registered agent located at a registered office in Wisconsin. The registered office address must be identical to the registered agent’s business office and must be an actual physical location with a street

address, and not solely a P.O. Box, mailbox service, or telephone answering service. Provide the street number and name, city and ZIP code in Wisconsin.

Article 6. Enter the address of the principal executive office of the corporation. The office need not be located in Wisconsin.

Article 7. The corporation must indicate whether it will have members. For legal information regarding members and memberships in nonstock corporations, see subchapter VI of chapter 181 of the Wisconsin Statutes.

Article 8. If the corporation is authorized to make distributions under section 181.1302(4), Wis. Stats., the articles of incorporation must include a statement to that effect. If the articles of incorporation do not authorize distributions under section 181.1302(4), then distributions may only be made under the conditions specified under sections 181.1302(1) to (3), Wis. Stats.

Article 9. List the name and complete address of each incorporator.

Article 10 (optional). Attach any further provisions on additional pages labeled “Article 10,” “Article 11,” and so forth in sequential order. Additional provisions may set forth other information not addressed in Articles 1-9, including provisions:

- identifying the names and addresses of individuals who will serve as the corporation’s directors
- identifying the purpose or purposes for which the corporation is organized
- specifying how assets will be distributed on dissolution.
- defining, limiting, and regulating the powers of the corporation, its directors, and its members

The corporation may also include in the articles of incorporation any provision that is required or permitted to be included in its bylaws.

Execution. The document must be executed by an incorporator of the corporation.

Drafter name. If the document is executed in Wisconsin, section 182.01(3) of the Wisconsin Statutes requires that it include the name of the drafter. If the document is not executed in Wisconsin, so indicate in the space provided for the drafter’s name.

Optional delayed effective date/time. This document may declare a delayed effective date and time. The effective date/time may not be before, or more than 90 days after, the document is received by the Department of Financial Institutions for filing. If no effective date/time is specified, the document will take effect at the close of business on the date it is received for filing by the Department.

ARTICLE 9 – INCORPORATORS

1. Robert Schmeichel
215 Mandella Court
Neenah, WI 54956
2. David Bluma
1367 Eagle Feather Trail
Neenah, WI 54956
3. Brooke Cardoza
1629 S. Park Avenue
Neenah, WI 54956
4. James Weiss
590 Plummers Harbor Road
Neenah, WI 54956
5. Thomas Wilde
163 Kuettel Court
Neenah, WI 54956

BYLAWS OF FRIENDS OF TOWN OF NEENAH FIRE DEPARTMENT

ARTICLE I

NAME

The name of this Corporation, a Wisconsin non-stock corporation, shall be Friends of Town of Neenah Fire Department (the "Corporation").

ARTICLE II

LOCATION

SECTION 2.1. The principal office of the Corporation for the transaction of its business is located at 1600 Breezewood Lane, Neenah, WI 54956 USA.

SECTION 2.2. The Corporation may also have offices at such other places, within or without the State of Wisconsin, where it is qualified to do business, as its business may require and as the Board of Directors may from time to time designate.

ARTICLE III

POWERS AND PURPOSES

SECTION 3.1. PURPOSE. The purposes of the Corporation shall be to build public awareness and focus public attention on the needs, services, programs and facilities of the Town of Neenah Fire Department.

SECTION 3.2. POWERS. The Corporation shall have all the powers necessary to carry out the foregoing purposes and all the powers of non-stock corporations organized under the laws of the State of Wisconsin.

SECTION 3.3. LIMITATIONS.

- a) The Corporation shall be an equal opportunity employer, and it shall not discriminate on the basis of age, race, color, creed, sex, disabilities, financial status, or national origin (i) in the persons serviced, or in the manner of service; (ii) in the hiring, assignment, promotion, salary determination, or other conditions of staff employment; (iii) in the selection of members; or (iv) in the membership of its Board of Directors.
- b) The Corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status as a corporation which is exempt from federal income taxation as an organization described in Section 501(c) of the Internal Revenue Code of 1986, or any successor provision.
- c) The Corporation is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall inure to the benefit of any officer director of the Corporation, or any other

individual, partnership or corporation, but reimbursement for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal.

- d) On dissolution, after provision is made for payment of debts, all property of the Corporation, from whatever source arising, shall be distributed only to such organizations as are then exempt from tax by virtue of Section 501(c) of the Internal Revenue Code of 1986, or any successor provision, and as the Board of Directors of the Corporation shall determine, unless otherwise provided in the instrument from which the funds to be distributed derive.
- e) No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting, to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

ARTICLE IV

MEMBERS

The Corporation shall have no members.

ARTICLE V

DIRECTORS

SECTION 5.1. POWERS. The Directors shall supervise and control the business, property and affairs of the Corporation, except as otherwise provided by law, the Articles of Agreement of the Corporation, or these Bylaws.

SECTION 5.2. NUMBER. There shall be a Board of Directors of the Corporation of not less than five (5) persons and not more than nine (9) persons. The signers of the Articles of Incorporation shall elect the initial Board of Directors of the Corporation, and thereafter the members will minimally be made of the four (4) elected officers (President, Vice President, Secretary and Treasurer) of the Town of Neenah Fire Department plus the Fire Chief.

SECTION 5.3. ELECTION TERM. Directors of the Corporation shall be elected at the annual election of Town of Neenah Fire Department officers.

SECTION 5.4. Vacancies and Newly Created Directorships. Any newly created Directorships and any vacancies on the Board of Directors arising at any time and from any cause may be filled at any meeting of the Board of Directors by a majority of the Directors then in office. A Director elected to fill a vacancy shall be elected for the unexpired term of the member's predecessor in office.

SECTION 5.5. REMOVAL. Any Director may at any time be removed from office for any cause deemed sufficient by the Board of Directors by the affirmative vote of two-thirds of the full number of Directors then in office acting at a meeting of the Board, the notice of which has specified the proposed removal. In addition, three consecutive absences from regular meetings of the Board shall constitute an automatic resignation without any further action of the Board of Directors, unless the President of the Board has excused the absences.

SECTION 5.6. COMPENSATION. Directors shall not receive salaries for their services, but by resolution of the Board of Directors, expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Board. The Corporation shall not provide personal loans to any Director.

ARTICLE VI

MEETINGS OF THE DIRECTORS

SECTION 6.1. ANNUAL MEETING. A regular annual meeting of the Board of Directors shall take place each year at such time, date and place as shall be designated by the Board of Directors. The purpose of the annual meeting shall be to elect Directors and officers of the Corporation and to transact such other business as may properly come before the meeting.

SECTION 6.2. REGULAR MEETINGS. Regular meetings of the Board of Directors shall be held at least six (6) times per year upon call of the President.

SECTION 6.3. SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by the President, or by any five (5) Directors, on five (5) days notice to be held at such time, day and place as shall be designated in the notice of the meeting.

SECTION 6.4. NOTICE OF MEETINGS. The time, day and place of any regular or special meeting of the Board of Directors shall be specified in the notice of the meeting, but no such specification is required in a waiver of notice of such meeting. Notice shall be given as provided in Section 7.1.

SECTION 6.5. TELEPHONE MEETINGS. Any one or more Directors may participate in a meeting of the Board of Directors by conference telephone or other electronic means by which all persons participating in the meeting can communicate with each other. Participation by telephone shall be equivalent to presence in person at a meeting for purposes of determining if a quorum is present.

SECTION 6.6. RECORD OF MEETINGS. The Secretary or, in the absence of the Secretary, one of the Directors designated by the Board of Directors and participating in the meeting, shall keep a record of the meeting.

SECTION 6.7. QUORUM; VOTE REQUIRED. A majority of Directors then in office shall constitute a quorum for the transaction of business at any meeting of Directors, and, unless otherwise provided for by law or these Bylaws, the act of the majority of the Directors present and voting at any meeting at which a quorum is present shall be the act of the Board of Directors. If a quorum shall not be present at any meeting of the Directors, the Directors present at the meeting may adjourn the meeting from time to time, without notice other than an announcement at the meeting, until a quorum shall be present. At such adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally notified.

SECTION 6.8. ACTION BY UNANIMOUS CONSENT. Any action required or permitted to be taken at a meeting of the Directors may be taken without a meeting if:

- a) Consents in writing, setting forth the action so taken, shall be signed by all of the Directors and filed by the Secretary with the minutes of the meetings of the Board of Directors. The consents may be executed in any number of counterparts, all of which when taken together shall constitute a single original consent.
- b) Consents by electronic mail, setting forth the action so taken, are submitted by all the Directors, received by the Corporation and filed by the Secretary with the minutes of the meetings of the Board of Directors.

ARTICLE VII

NOTICE

SECTION 7.1. GENERAL. Whenever under the provisions of law or these Bylaws, notice is required to be given to any person, such notice may be given via U.S. mail or overnight delivery service with postage prepaid, and shall be deemed given when deposited in the mail or the delivery service addressed to such person at such person's address as it appears on the records of the Corporation. Notice may also be given by electronic mail, facsimile, or hand delivery, and such notice will be deemed given when received.

SECTION 7.2. WAIVER. Whenever any notice is required to be given by law or by these Bylaws, a waiver of notice signed by the person or persons entitled to such notice, whether before or after the time stated in these Bylaws, shall be deemed equivalent to the giving of such notice. Attendance at a meeting either in person, or if applicable, by proxy, of a person entitled to notice shall constitute a waiver of notice of the meeting unless he or she attends solely for the purpose of objecting at the beginning of the meeting to the transaction of business on the grounds that the meeting was not lawfully called or convened.

ARTICLE VIII

OFFICERS AND AGENTS

SECTION 8.1. OFFICERS. The officers of the Corporation shall minimally consist of a President, a Vice-President, a Secretary, and a Treasurer. One person shall not hold two offices with the permissible exception of a Secretary-Treasurer.

SECTION 8.2. OTHER OFFICERS AND AGENTS. The Board of Directors:

- a) May retain a chief executive officer ("Executive Director"), who shall serve as staff to the Board
- b) May appoint such other officers and agents as it shall deem necessary, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

SECTION 8.3. ELECTION; TERM OF OFFICERS; RESIGNATION; REMOVAL; VACANCIES. The Board of Directors shall elect the officers of the Corporation at the annual meeting. The officers of the Corporation shall hold office for terms of one (1) year or until their successors are elected and qualified. Any officer may resign at any time by giving written notice to the President of the Board. Such resignation shall take effect at the time specified in the notice, or if no time is specified, then immediately. Any officer may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds of the Board of Directors at any regular or special meeting of the Board called expressly for that purpose. The Directors shall fill any vacancy occurring in any office of the Corporation for the unexpired term.

SECTION 8.4 PRESIDENT. The President of the Board shall preside at meetings of the Board of Directors, and shall perform such other duties and have such other powers as the Board of Directors may from time to time prescribe.

SECTION 8.5. THE VICE PRESIDENT. The Vice President shall, in the absence or disability of the President, perform the duties and exercise the powers of the President and shall perform such other duties and have such other powers as the Board of Directors may from time to time prescribe.

SECTION 8.6. SECRETARY. The Secretary shall keep the minutes of all meetings of the Board of Directors, and perform all other duties usually incident to the office, and such other duties as may be assigned by the Board of Directors.

SECTION 8.7. TREASURER. The Treasurer shall cause regular books of account to be kept, and shall render to the Board of Directors, from time to time as may be required, an account of the financial condition of the Corporation, shall deliver an annual report at the annual meeting, and shall perform all other duties properly required of the Treasurer by the Board of Directors.

SECTION 8.8. BONDING OF OFFICERS. The Board of Directors may require any officer, or other person entrusted with the handling of funds or valuable property of the Corporation to give bond to the Corporation, with sufficient surety or sureties, conditioned upon the faithful performance of such person's duties.

ARTICLE IX

CONTRIBUTIONS AND DEPOSITORIES

SECTION 9.1. VOLUNTARY CONTRIBUTIONS. The Corporation may accept gifts, grants, legacies and contributions from any source including persons, corporations, trusts, charities, and governments and governmental agencies.

SECTION 9.2. DEPOSITORIES. The Board of Directors shall determine what depositories shall be used by the Corporation as long as such depositories are located within the State of Wisconsin and are authorized to transact business by the State of Wisconsin and are federally insured. All checks and orders for the payment of money from said depository shall be signed such signatories as have been authorized and required in advance by the Board of Directors.

ARTICLE X

DISSOLUTION

SECTION 10.1. DISSOLUTION. The Corporation may be dissolved upon the affirmative vote of two-thirds (2/3) of the members of the Board of Directors of the Corporation then in office taken at a meeting of the Board of Directors called for that purpose, or upon the written consent of all members of the Board of Directors entitled to vote thereon. No Director, officer or employee or person connected with the Corporation shall be entitled to share in the distribution of any of the Corporation assets upon its dissolution.

ARTICLE XI

GENERAL

SECTION 11.1. FISCAL YEAR. The Corporation shall operate on a calendar year ending December 31. Alteration of the fiscal year (by the Board of Directors) shall not require amendments of these Bylaws.

SECTION 11.2. EXECUTION OF CONTRACTS AND DOCUMENTS. All contracts and evidence of debt may be executed only as directed by the Board of Directors.

ARTICLE XII

INDEMNIFICATION

The Corporation may indemnify a person who is or was a Director, officer, employee or agent of the Corporation or who is or was serving in another capacity at the request of the Corporation, to the extent authorized by law, and will purchase and maintain insurance to protect itself and such persons against liability.

ARTICLE XII

AMENDMENTS

These Bylaws may be amended or repealed or new Bylaws adopted by the Directors at any meeting by the affirmative vote of not less than two-thirds of all the Directors of the Corporation, provided notice of the proposed change is given in the notice, which must be given not less than ten (10) days prior to such meeting.

ADOPTED BY THE BOARD: [DATE]

CONFLICT OF INTEREST POLICY

Friends of Town of Neenah Fire Department

ARTICLE I. PURPOSE, SCOPE, AND APPLICATION

1. The purpose of this Conflict-of-Interest Policy (the "**Policy**") is to protect the interests of the Friends of Town of Neenah Fire Department (the "**Non-Profit**") when it is contemplating entering into a transaction or arrangement that might benefit or appear to benefit the private interest of any present or former director, officer, employee, or volunteer of the Non-Profit, indirectly benefit a Related Party, or result in a possible Excess Benefit Transaction. The Non-Profit is organized to serve the public interest, and each director, officer, employee, and volunteer must act and use good judgment to maintain and further the public's trust and confidence in the Non-Profit.

2. This Policy establishes guidelines, procedures, and requirements for:

(a) Identifying a Conflict of Interest and situations that may result in an actual, potential, or perceived Conflict of Interest; and

(b) Appropriately managing a Conflict of Interest in accordance with legal requirements and the goals of accountability and transparency.

3. This Policy applies to all directors, officers, employees, and volunteers of the Non-Profit. All directors, officers, employees, and volunteers must familiarize themselves with and adhere to the principles and rules set out in this Policy.

4. This Policy is intended to supplement but not replace any state or federal laws governing conflicts of interest applicable to non-profit and charitable organizations.

ARTICLE II. DEFINITIONS

1. "**Conflict of Interest**" means situations where, in the judgment of the Non-Profit's board of directors:

(a) The outside interests or activities (such as Covered Interests) of a director, officer, employee, or volunteer interfere or compete with the Non-Profit's interests.

(b) The stake of a director, officer, employee, or volunteer in a transaction or arrangement is such that it reduces the likelihood that such person's influence can be exercised impartially in the best interests of the Non-Profit.

(c) A director, officer, employee, or volunteer has divided loyalties.

(d) An Excess Benefit Transaction would occur.

2. "**Covered Interest**" means when any director, officer, employee, or volunteer has directly, or indirectly through a Related Party:

(a) An ownership or investment interest in any entity with which the Non-Profit has a transaction or arrangement.

(b) A compensation arrangement with the Non-Profit or with any entity or individual with which the Non-Profit has a transaction or arrangement.

(c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Non-Profit is negotiating a transaction or arrangement.

(d) A legal commitment or financial interest, including by virtue of a board appointment, employment position, or volunteer arrangement, to act in the interests of another entity or individual.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A Covered Interest is not necessarily a Conflict of Interest. Under Article III.2 of this Policy, a person who has a Covered Interest may have a Conflict of Interest only if the board decides that a Conflict of Interest exists.

3. "**Excess Benefit Transaction**" means any transaction in which an economic benefit is provided by the Non-Profit, directly or indirectly, to or for the use of a disqualified person and the value of the economic benefit provided by the Non-Profit exceeds the value of the consideration (including the performance of services) received by the Non-Profit. A "disqualified person" is any person who was in a position to exercise substantial influence over the affairs of the non-profit at any time during a five-year lookback period, ending on the date of the transaction, and includes but is not limited to the Non-Profit's directors, officers, and Related Parties, as defined herein.

4. "**Interested Person**" means any director, officer, employee, or volunteer who has a direct or indirect Covered Interest.

5. "**Related Party**" means any one of the following persons or entities:

(a) Any director, officer, employee, or volunteer of the Non-Profit or its affiliates.

(b) Any Relative of any individual described in subsection 5(a) above.

(c) Any entity or trust of which any individual described in subsection 5(a) or 5(b) above serves as a director, trustee, officer, employee, or volunteer.

(d) Any entity or trust in which any individual described in subsection 5(a) or 5(b) above has a thirty-five percent (35%) or greater ownership or beneficial interest.

(e) Any partnership or professional corporation in which any individual described in subsection 5(a) or 5(b) above has a direct or indirect ownership interest in excess of five percent (5%).

(f) Any other entity or trust in which any individual described in subsection 5(a) or 5(b) above has a material financial interest.

6. **"Relative"** means any one of the following persons:

(a) The spouse or domestic partner of an Interested Person.

(b) The ancestors of an Interested Person.

(c) The siblings or half-siblings, children (whether natural or adopted), grandchildren, and great-grandchildren of an Interested Person.

(d) The spouse or domestic partner of any person described in subsection 6(c) above.

ARTICLE III. PROCEDURES

1. **Duty to Disclose.** An Interested Person must disclose the existence of any actual, potential, or perceived Conflict of Interest as soon as such Interested Person identifies that there may be a Conflict of Interest, and before the Non-Profit enters into the proposed transaction or arrangement that gives rise to the Conflict of Interest.

(a) The disclosure shall be made to the Board of Directors.

(b) The Interested Person shall be given the opportunity to disclose all material facts to the Board of Directors concerning the proposed transaction or arrangement, including the circumstances giving rise to the Conflict of Interest.

2. **Determining Whether a Conflict of Interest Exists.** After disclosure of the actual, potential, or perceived Conflict of Interest, the Board of Directors shall determine whether a Conflict of Interest exists by following the procedures described in this Section 2:

(a) The Interested Person shall disclose all material facts relating to the potential Conflict of Interest to the Board of Directors

(b) After any discussion between the Board of Directors and the Interested Person, the Interested Person shall leave the Board meeting while the determination of a Conflict of Interest is discussed and voted upon.

(c) The board members, other than the conflicted Interested Person(s), shall decide if a Conflict of Interest exists. If the remaining board determines by majority vote that no conflict exists, no further review of the transaction by the board is required if not ordinarily required in the normal course of business. The discussion and determination of

the existence of a Conflict of Interest shall be documented in accordance with the procedures outlined in Article IV below.

(d) The determination that a Conflict of Interest exists shall not preclude the board (other than the conflicted Interested Person(s)) from approving the matter, but such determination shall require the board to follow the procedures outlined in Article III.3 below.

3. Procedures for Addressing the Conflict of Interest. To address a Conflict of Interest, the board shall follow the procedures described in this Section 3:

(a) An Interested Person may make a presentation at the board meeting, but after the presentation, the Interested Person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the Conflict of Interest.

(b) The Interested Person shall not attempt to intervene with or improperly influence the deliberations or voting on the matter giving rise to the Conflict of Interest.

(c) The chairperson of the board shall, if appropriate, appoint a disinterested person or committee to investigate market information and alternatives to the proposed transaction or arrangement, including obtaining comparability data when determining compensation.

(d) After exercising due diligence, the board shall determine whether the Non-Profit can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest.

(e) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest, the board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is: (i) in the Non-Profit's best interests; (ii) for its own benefit; and (iii) fair and reasonable.

(f) In conformity with the above determinations, the board shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflict of Interest Policy.

(a) If the board has reasonable cause to believe an Interested Person has failed to disclose an actual, potential, or perceived Conflict of Interest, it shall inform the Interested Person of the basis for such belief and afford the Interested Person an opportunity to explain the alleged failure to disclose.

(b) If, after hearing the Interested Person's response and after making further investigations as warranted by the circumstances, the board determines the Interested Person has failed to disclose an actual, potential, or perceived Conflict of Interest, it shall take appropriate disciplinary and corrective action, up to and including termination of employment or volunteering, or removal from the board.

(c) Conduct that violates this Policy is always considered outside the scope of employment of any employee acting on behalf of the Non-Profit.

5. Confidentiality.

(a) The Non-Profit shall maintain the confidentiality of any disclosures made in connection with this Policy and limit access to the information to the extent permitted by law.

(b) To the extent permitted by law, each director, officer, employee, and volunteer shall exercise care not to use, publish, or disclose confidential information acquired in connection with disclosures of actual, potential, or perceived Conflicts of Interest during or subsequent to their employment, participation as a volunteer, or participation on the board of directors.

ARTICLE IV. RECORDS OF PROCEEDINGS

1. The minutes of the meeting(s) of the board shall contain:

(a) (i) The names of the persons who disclosed or otherwise were found to have an actual, potential, or perceived Conflict of Interest; (ii) the nature of the disclosed interest; (iii) any action taken to determine whether a Conflict of Interest was present; (iv) whether the Interested Person was present during the determination; and (v) the board's decision as to whether a Conflict of Interest in fact existed.

(b) (i) The names of the persons who were present for discussions by the board of the proposed transaction or arrangement; (ii) the votes relating to the transaction or arrangement; (iii) the content of the discussions, including any alternatives to the proposed transaction or arrangement; and (iv) a record of any votes taken in connection with the proceedings.

2. The board minutes shall be approved as reasonable, accurate, and complete before the later of:

(a) The next board meeting.

(b) Sixty (60) days after the final actions of the board are taken.

ARTICLE V. ANNUAL STATEMENTS AND DISCLOSURES

1. Each director, officer, employee, and volunteer shall annually disclose all Conflicts of Interest in writing on the Non-Profit's disclosure form in accordance with this Policy and sign a statement that affirms that such person:

(a) Has received a copy of this Policy;

(b) Has read and understands this Policy;

- (c) Has agreed to comply with this Policy;
- (d) Has no Conflict of Interest to report or is reporting current Conflicts of Interest; and
- (e) Understands that the Non-Profit is charitable and, in order to maintain its federal tax exemption, must engage primarily in activities that accomplish one or more of its tax-exempt purposes.

ARTICLE VI. PERIODIC REVIEWS

1. To ensure the Non-Profit operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its reputation or tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- (a) Whether compensation arrangements and benefits are: (i) reasonable; (ii) based on competent survey information; and (iii) the result of arm's length bargaining; and

- (b) Whether partnerships, joint ventures, and arrangements with management organizations: (i) conform to the Non-Profit's written policies; (ii) are properly recorded; (iii) reflect reasonable investment or payments for goods and services; (iv) further charitable purposes; and (v) do not result in inurement, impermissible private benefit, or an Excess Benefit Transaction.

2. The Non-Profit expressly reserves the right to change, modify, or delete the provisions of this Policy without notice.

ARTICLE VII. USE OF OUTSIDE EXPERTS

When conducting a Conflict of Interest determination as provided for in Article III or a periodic review as provided for in Article VII, the Non-Profit may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the board of its fiduciary duties or responsibilities when considering a transaction or arrangement with an Interested Person or Related Party, or for ensuring periodic reviews are conducted.

MEMORANDUM

To: Town Board

From: Ellen Skerke, Administrator-Clerk-Treasurer

Date: March 7, 2024

Memo: Authorized Credit Card Limits

The application for the Town issued credit cards is approved, during the processing, it was brought to my attention that the minimum limit on a credit card is \$500.

At the February 12, 2024 Town Board meeting, the limit authorized for the Maintenance/Facilities Management Superintendent card was \$300. I am asking the Town Board to authorize an increase to the credit limit making it \$500 for the credit card issued to the Maintenance / Facilities Management Superintendent.