

S6911 State Road 113
P.O. Box 115
Merrimac, WI 53561



Telephone: (608) 493-2588
Fax: (608) 493-2238
Website: TownOfMerrimac.net

MINUTES OF THE TOWN BOARD MEETING Wednesday, December 15, 2021

In attendance were Supervisor Tim Healy, and Supervisor John Gaedke. Also in attendance were Town Administrator Tim McCumber and Deputy Clerk-Treasurer Jeremy Bowers. Town Chair Charlie Hall was excused due to illness.

Supervisor Gaedke called the **TOWN BOARD MEETING** to order. McCumber confirmed the meeting had been properly noticed. The board considered the minutes from the November 4, 2021 meeting. Gaedke made a motion to approve the minutes seconded by Healy. Motion passed. The board reviewed the financial reports and approval of bills. Motion by Gaedke to approve, seconded by Healy. Motion passed. Gaedke moved to go into **CLOSED SESSION** pursuant to Wis. Stat. 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation with Devil's Head Resort. Motion seconded by Healy. Motion passed unanimously by roll call vote with Chairman Hall absent and excused. The board reconvened into open session. Gaedke made a motion to authorize Tim McCumber and Charlie Hall authority to mediate in the Devils Head room tax lawsuit. Healy seconded. Motion passed. Under **PUBLIC COMMENT**, State Representative Dave Considine brought Wisconsin Blue Books and had a conversation with the board about various state issues. Under **CORRESPONDENCE**, the board received a letter from the Oak Hill cemetery commission reporting their expenditures for 2021 and requesting \$250 for 2023. McCumber reported the line item is in the budget for 2022. Under **REPORTS AND ANNOUNCEMENTS OF OFFICERS AND COMMITTEES**, McCumber reported the property tax bills were mailed December 4, 2021. The town received a Notice of Stipulated Scheduling Order for Devil's Head vs. Town of Merrimac as it relates to their unfair valuation claim. There was no **OLD BUSINESS**. Under **NEW BUSINESS**, the board considered a recommendation from the Planning and Zoning Commission to approve a Conditional Use Permit for Vacation Rental Establishment (VRE) in the Single-Family Residential District per Town Ordinance 2.30 on property located at S7660 Oak Rd., Tax Parcel 026-0099-00000; application by Marcus Mitchell, 135 Linn St., Baraboo, WI 53913. McCumber reported that it comes with approval from the zoning commission. Gaedke moved to approve, seconded by Healy. Motion passed. The board then considered Resolution 2021-17 Appointing Election Workers for the 2022-2023 Term. McCumber reported that there was training today and it went well. McCumber read the list. Gaedke moved to approve, seconded by Healy. Motion passed. The board next considered property assessment maintenance contracts for 2022 and 2024-26 as well as a revaluation contract for 2023 with Equity Appraisal and effectively amending the Assessment line for the 2022 budget from \$10,500 to \$12,500. McCumber reported the town is likely to be out of the 10% value estimate of the Department of Revenue in 2022 and will need to due a revaluation in 2032. He also reported that he only budgeted \$10,000 and should have budget \$12,500 for 2022. Motion by Gaedke to approve the contracts and amend the 2022 budget, seconded by Healy. Motion passed. The board also considered a presentation by Tywana German regarding the 2022 tourism marketing budget as well as approving \$77,043.97 to be paid to the Sauk Prairie Chamber of Commerce for tourism expenditures per Wisconsin Statutes. Gaedke moved to approve the plan and payment, seconded by Healy. Motion passed. The board reviewed an application for a fireworks permit by Devil's Head Resort for their annual New Year's Eve Fireworks Display at 12:00am on January 1, 2022. Gaedke moved to approve, seconded by Healy. Motion passed. The board then considered an insurance settlement for damages to Devils Delight Road. McCumber reported all of the claims have been submitted and Secura will release payment if the board approves the settlement. Gaedke move to approve, seconded by Tim Healy. Motion passed. Then board then considered a parking area for the Great State Sauk Trail (GSST) at Goette Road. McCumber reported Sauk County is going to now route the GSST up Burma Road because the route to the east of Goette Road cannot be developed after the property owner sold the land to another party. The county also used federal money to construct the trail past the Badger Ammunition (Sauk Prairie Rec Area) fence line and along the rail corridor where it currently ends in the Halweg's farm field where it currently dead ends. Because of the federal money involved the county cannot roll the trail back to the fence line. That was all performed by the previous county board and chair. In his role as Sauk County Chair in this session, he reported he as verbal agreements with the Wisconsin

Southern and Rail and Wisconsin Department of Transportation to do a "Rails with Trails" conversion to bring the trail out to Goette Road. McCumber reported that normally he would recommend that Sauk County develop the parking area, but the town could use the American Recovery Plan Act (ARPA) monies for this project. Because of the limited scope of how the money can be spent there are few other opportunities to allocate the monies in town. Per the discussion earlier with the chamber, signage can be paid for out of the tourism money. He added that if the board decides to proceed that he will prepare for a resolution for January meeting. Gaedke moved to approve the parking area, seconded Healy. Motion passed. The board took a moment to acknowledging Frank Olah for his service on the Planning and Zoning Commission. Gaedke moved to send a thank you letter for his service, seconded by Healy. Motion passed. The board next considered the appointment of Tim McCumber to the Planning and Zoning Commission at the recommendation of Chair Hall. McCumber reported that if approved to fill the vacancy, he would waive the per diem. Gaedke moved to approve the appointment. Seconded by Tim Healy. Motion passed. The board also considered a proposed Personnel Handbook. McCumber reported he was initially hired on a part-time basis like a third-party contractor. With the hiring of employees, he recommends the town adopt an employee handbook noting that the handbook replaces Town of Merrimac Resolution 2011-05 adopted on September 7, 2011 as it incorporates employee grievance procedures as required by state statutes related to Act 10. Gaedke moved to approve the adoption of a handbook, second by Healy. Motion passed. The board did not discuss compensation for Jury Duty pursuant to the Personnel Handbook for Jeremy Bowers as jury duty was canceled. Next the board considered the retention of Tim McCumber as an advisor to the new administrator and to complete ongoing assignments including, but not limited to, litigation with Devils Head effective January 1, 2022. McCumber reported that aside from finishing out all current litigation with Devils Head he will be on call to help train new employees and other tasks. Gaedke moved to approve, seconded by Healy. Motion passed. The board then considered the promotion of Jeremy Bowers to Town Administrator – Clerk – Treasurer completing the current term being vacated December 31, 2021 and expiring April 19, 2022 as well as appointing him for the April 20, 2022 through April 16, 2024 term. McCumber reported that this position is statutorily required to be appointed every three years, but the town has established a 2-year cycle so the re-appointment is opposite of town board elections years which occur during the odd number years. Motion to approve the appointment of Jeremy Bowers to successive terms ending April 16, 2024 by Gaedke, seconded by Healy. Motion passed. The board then considered opening a new credit card account and closing the existing account. McCumber reported that the current card is with Sam's Club which closed its Madison location. He is recommending the town authorized an Ink Biz Unlimited account with 1.5% cash back on purchases for use by the new administrator. Gaedke made a motion to approve a new credit card for the town, Tim Healy seconded. Motion passed. The board finally considered a Certified Survey Map (CSM) attaching remnant land from a CSM adopted in March 2021 to in the Agricultural District to adjacent lands previously owned by owned by Jeffrey Froh and Marilyn Gorsuch-Froh; application by Paul & Erika Larson, S6314 Yum Yum Hill Road, Merrimac, WI 53561. McCumber reported that last spring the CSM by the Froh's had remnant lands and they property owners agreed to submit this CSM to clean it up to avoid creating additional parcels. Motion to approve by Gaedke, seconded by Healy. Motion passed.

Motion to adjourn by Gaedke. Seconded by Healy. Motion passed.