

June 11, 2009 Regular Town Board Meeting, Town Hall, Town of Rusk, Rusk County, Wisconsin at 7:00 P.M.

The Regular Town Board meeting was called to order at 7:06 P.M. by Chairman Steve Zmrazek. 1st supervisor Steve Styczynski, along with Clerk Joanne L. Spenle. 2nd supervisor William Ziegler and Treasurer Donna Matus were absent.

All bills were presented, audited and paid as per attached check # and payee.

Minutes from May 14, 2009, regular meeting were read. Motion was made by Steve Zmrazek to accept the minutes as read, Steve Styczynski seconded the motion, motion carried. It was brought up to the board that the closed session following the regular meeting must have a roll call, when the closed session opened and then the adjournment of the meeting. (Clerk checked into this matter and the board did nothing wrong and the minutes will not have an addendum to them.)

Public comments: Ken Styer asked if the question of the town's liability of sand on the town's roads was ever checked into? It was and there is no liability on the town's part.

Gary Rhone questioned if the town had any zoning or restrictions regarding number mobile homes or trailers that are allowed on a piece of property? He would like to see if the town could somehow impose some regulations on the number of trailers permitted on property and perhaps consider age and how they are to be placed. Chairman Zmrazek commented that the county zoning allows for up to three trailers per property. Gary also commented on his assessment issues.

Ray Scott questioned if there was a meeting on the 21st day of May? Chairman Zmrazek stated that it was not a meeting as there was not a quorum and it was for discussion purposes only regarding Circuit Court Case no 09CV80.

Jim Barr supports and encourages having legal council at all Town Board meetings.

Dan Dobrowolski asked when the last revaluation was done. Chairman Zmrazek answered John Chaja was supposed to have done it in 2006. Wherein there were a great deal of inadequacies and discrepancies in the property values and the town's people wanted to go from an elected assessor to an appointed assessor. John Chaja resigned later in the year of 2007.

John Weiss commented on his revaluations. He realized that the reassessment was done on 2007 sales but still is not a bit happy with the revaluation.

Brian Nodolf, attorney representing Dobrowolski' court case. Questioned the chairman several times regarding Circuit Court Case 09CV80. The chair replied a

discussion was held on May 21, 2009 regarding said case. Mr. Nodolf proceeded to question as “Who attended”, “Do you acknowledge that 2 members of the board of review met with Kelly Owen and Kelly’s husband after the board had adjourned to the next meeting date”. Chairman replied that it was not a board of review. Mr. Nodolf questioned again “Do you confirm you met with them privately and were any other board members there” Mr. Nodolf wanted to know what occurred during the meeting and asked if attorneys were present.

Mr. Nodolf proceeded to object to the requested ATV route proposed for Hogback Road due to the dangers of hills and curves.

Mr. Nodolf further commented that the town should not be splitting the attorney fees with Kelly Owen as part of the action against her alleged fraud and tax payers should not be picking up any attorney fees on her behalf.

Mr. Nodolf asked “How did you come upon the recommendation of Scott Williams” an appraiser and expert witness from Wausau. Chairman read the list of law firms who recommended Mr. Williams. Critical questions were asked by Mr. Nodolf. Nodolf asked “is Williams being retained for a reappraisal or expert witness in Circuit Court Case 09CV80?”

Meeting went into recess at 8:10 P.M.

Meeting Reconvened at 8:20 P.M.. Brian indicated that taxpayers are not happy with assessor Kelly Owen and that the town can break the contract with her.

Gary Rhone questioned chairman Zmrazek if a claim has been filed with our insurance company to help incurring costs of attorney fees under the towns errors and omissions policy?

Mr. Nodolf suggested tabling the ATV Route issue.

Treasurer’s report was given by Steve Zmrazek in the treasurer’s absence. Motion was made by Steve Styczynski to accept the treasurer’s report as read and Steve Zmrazek seconded the motion. Motion carried.

No assessors report given.

#1. Road 50 update. Clerk reported that she contacted Attorney Koehler and received no answer from him.

#2 ATV route extension request. – Steve Styczynski made a motion to table this request until all proponents can be present who want expansion of the route to include Hogback Road. Steve Zmrazek seconded the motion, motion carried.

#3. Liquor License, applications for renewal. . Ponderosa's application was presented, Steve Zmrazek made a motion to accept the application and to issue the license, Steve Styczynski seconded the motion, motion carried.

Lured Inn's application was presented, Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried.

Clear Lake Resort's application was presented, Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried.

TJ Timberline's application was presented. Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried.

Narrows Resort's application was presented. Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried

Backwoods Bar and Grill's application was presented. Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried.

Canoe Bay Wine, LLC 's application was presented. Steve Zmrazek made a motion to accept the application and to issue license. Steve Styczynski seconded the motion, motion carried.

#4, Request of Gravel pit of Dennis and Susan Madejski's to mine sand from their property. Town has no zoning Zmrazek said since the sand and gravel can be dug since the request is controlled by county zoning.

#5. Jim Sterchy's campground. Chairman again stated that there is no town zoning and the board has no recommendations.

#6. Discussion and review of attorney contract. The board reviewed the attorney's contract from Pietz, VanderWaal, Stacker and Rottier to represent the town in circuit court case No. 09CV80. Steve Zmrazek made a motion to hire the said firm and to sign the contract and consent. Steve Styczynski seconded the motion, motion carried and the contracts were signed.

#7 .Transfer funds from general fund to pay upcoming attorney fees and Scott Williams, expert witness fees. A motion was made by Steve Zmrazek to transfer funds as needed, motion seconded by Steve Styczynski, motion carried.

- #8. Approval or denial of Scott Williams as expert witness, Steve Zmrazek made a motion to table this item as the agenda did not have the correct language as to Scott Williams purpose in circuit court case 09CV80. Steve Styczynski seconded the motion, motion carried and was tabled to a later date.
- #8. Scott Williams reappraisal of tax parcel in circuit court case 09CV80. Since the wording on the agenda was not for the correct reason to hire Scott Williams Steve Zmrazek made a motion to table this item to a latter date. Steve Styczynski seconded the motion, motion carried.
- #9. Employ legal council for Town of Rusk Board meetings. Steve Zmrazek made a motion to hire an attorney for legal council and representation at the town board meetings. Steve Styczynski seconded the motion, motion carried. Clerk will search for an attorney and make recommendations at the next meeting.
- #10. Consider to hire an attorney for the 2009 board of review. Steve Zmrazek made a motion to hire an attorney to represent the town of Rusk and Town of Rusk Board of Review on June 18, 2009 when the board of review reconvenes. Steve Styczynski seconded the motion motion carried.

Steve Styczynski made a motion to adjourn the board meeting and Steve Zmrazek seconded the motion. Motion carried and the meeting was adjourned at 8:50 P.M.

Respectfully submitted

Joanne L. Spenle, Clerk