

**VILLAGE OF HORTONVILLE  
COMMITTEE OF THE WHOLE  
FEBRUARY 26, 2008 MEETING MINUTES**

President Roger Retzlaff called the meeting to order at 7:00 p.m. in the lower level of the Community Hall at 312 W. Main St., Hortonville, Wisconsin.

Trustees present: Craig Dreier, W. George Wojcik, and Alfred Handrich. Charles Nieuwenhuis entered the meeting at 7:15 p.m.

Trustees absent: Wallace Lenzner and Andrew Gitter. Mr. Gitter was excused.

Officials present: Administrator J. Everett Mitchell, Clerk-Treasurer Lynne Mischker, and Attorney Robert Sorenson.

This meeting was a joint session with the Town of Hortonia Board and the Hortonville-Hortonia Fire District Commission.

Town of Hortonia Board members present: John Jaeckle and Dan Mercer.

Town of Hortonia Board members absent: Bob Luedtke.

Hortonville-Hortonia Fire District Commission members present: Louis McKellar, Craig Dreier, and Dan Mercer.

Hortonville-Hortonia Fire District Commission members absent: Bill Moeller and Dennis Baehman.

Jeff Schulz and Dan Hoffman were present from Martenson & Eisele (M&E).

**Certification of Legal Posting of Meeting Notices**

Mr. Mercer of Hortonia, Mr. McKellar of the Fire Commission, and Mrs. Mischker of Hortonville all certified that the meeting notices were posted as required.

**Discuss Concerns Regarding the Contract and Building of the New Fire Station**

Mr. McKellar stated that this meeting was called to address questions raised by the Town of Hortonia Board members.

Mr. Mercer stated that more cooperation is needed for the fire building project to be successful. The first question is how to handle the difference between the Village funding resolution for 1.2 million dollars and the Town funding resolution for 1 million dollars with another \$200,000 available but requiring Town Board approval. The building budget was for 1.2 million dollars.

Mr. Mitchell reminded the Hortonia members that while Mr. Mercer's e-mail speaks of \$200,000 for ancillary costs that are not part of construction costs, the Town resolution only states that \$200,000 is for approved costs.

Mr. Mercer agreed with that after looking at the Town resolution. Mr. Mercer explained that the Township residents first approved 1 million dollars and a special Town meeting was called to try to change the amount. The second meeting resulted in approval of 1 million dollars for funding the project and another \$200,000 if needed and approved by the Town Board.

Tim Manion, a Hortonia property owner, was present with the Town Board members and spoke for the Township. Mr. Manion stated that Mr. Jaeckle will be appointing him as the Hortonia member on the project oversight committee. The \$200,000 is approved by the Town for overages.

Mr. Nieuwenhuis asked if the \$200,000 is approved now or if the Board needs to approve it as the project proceeds.

Mr. Manion stated that the Town would approve the \$200,000 for overages that are not part of the construction.

Mr. Mitchell pointed out that the Town funding resolution does not state that intent. Mr. Dreier reminded those present that the oversight committee is to make sure that the project does not go over the 1.2 million dollar limit.

Mr. Mercer stated that he feels there are still points in the M&E contract that need clarification.

Mr. Jaeckle asked questions on several points in the contract. Mr. Schulz answered the questions.

Mr. Schulz stated that he has worked with Mr. Mitchell on the contract language and Mr. Mitchell reported that many of the questions have been taken care of.

Several people expressed the need for better communication between the Fire District, Town of Hortonia, and Village of Hortonville.

Mr. Manion asked if the Martenson & Eisele services include acting as a general contractor.

Mr. Schulz answered that the services include design, bidding and contract preparation, and overseeing construction for adherence to plans. A separate contract will be awarded for a general contractor.

Mr. Manion stated that the Town should have the ability to review any contracts as contract language can change the meaning of a contract and offered his services for contract review. He felt that as the Town is funding a portion of the project the Town should be able to approve contracts.

Mr. McKellar stated that he is not sure that this is within the scope of the Town's responsibilities under the Fire District agreement.

Mr. Mercer restated the Town of Hortonia's purpose for the meeting. Clarify the budget; decide who has decision making powers for the initial construction plans; decision making powers for change orders within the budget and for change orders over the budget amount; and to look at the M&E contract language.

Mr. McKellar reminded all present that the Fire District Commission does not want any change orders and that the oversight committee of John Jaeckle (Hortonia), Roger Retzlaff (Hortonville), and J. Everett Mitchell (Hortonville) will look at and approve or disapprove any change orders.

Mr. Mercer agreed that this is also his understanding.

Mr. Sorenson restated that the Fire District Commission decides on contracts.

All agreed that the Fire Dept. Building Committee will decide on the initial construction plans and the oversight committee will discuss and approve/disapprove any change orders.

Mr. Dreier asked if the Township has approved more than 1 million dollars in case the bids go over the 1 million figure or if the Township will have to vote.

Mr. Jaeckle answered that he does not have the answer at this time.

Mr. McKellar restated that the 1.2 million dollar figure is a maximum and the Fire District Commission wants to keep it well under that.

Mr. Kevin Bolssen spoke about Township decisions involved in approving the amount in the funding resolution.

Mr. Manion asked Mr. Sorenson if the \$200,000 in the Town's resolution could be further defined.

Mr. Sorenson answered that the resolution language is ambiguous and the \$200,000 could be taken to mean any change orders in the project.

Mr. Schulz asked if the \$200,000 in the Town's resolution is to be used for any changes? Mr. Jaeckle answered "yes".

Mr. Sorenson reminded the Village and Town that the communities have the purse strings and the Fire District Commission is a legal entity and makes their own decisions within the funding granted.

Mr. Dreier reminded all present that changes should not be proposed to or requested of the contractors by individuals and that change orders should be avoided if possible.

Mr. Jaeckle asked "what is the project budget"? He was told that it is a maximum of 1.2 million dollars.

Mr. Jaeckle asked that the Township be kept in the loop as information is available and stated that he has no problem with Mr. Mercer signing the M&E contract as long as the contract is still within the 1.2 million dollar limit.

Mr. Dreier asked what phase of the scope of services M & E is currently in?

Mr. Schulz replied that the project is currently in the schematic design phase.

Mr. Schulz asked if the total project cost is 1 million dollars or 1.2 million dollars?

Mr. Jaeckle replied that the project ceiling is 1.2 million dollars but they should try to bring it in under that.

Mr. Mitchell reported that the five (5) acre property is currently zoned PUD as it was when it was annexed. Village ordinances state that after 120 days a zoning amendment is needed to change the zoning. Single Family Residential (R-1) is possible and allows for public buildings. Another possible zoning is Light Industrial (I-1). The rezoning should be brought before the Planning & Zoning Commission March 11<sup>th</sup> and the Village Board on March 20<sup>th</sup>. When asked about the PUD zoning Mr. Mitchell read the Village's annexation ordinance on zoning. Mr. Mitchell reviewed the setbacks for R-1 and I-1 zoning.

M&E affirmed that the site plan fits either zoning.

### **Adjourn**

*Motion made by Mr. Wojcik and seconded by Mr. Nieuwenhuis to adjourn. Voice vote: all aye, 0 nays, motion carried. The meeting was adjourned at 8:14 p.m.*

Submitted by,

Lynne Mischker  
Clerk-Treasurer