

TOWN OF MCMILLAN
McMillan Fire Station 113901 Elm Tree Road
ANNUAL MEETING BOARD MINUTES
April 19, 2022 6:00 PM

The meeting was called to order at 5:59 p.m. by Tom Seyfert.

Roll Call: Sign-in sheet attached to the minutes.

Guests Present: Lee Turonie, Town Counsel

Chairperson Rodney Bauer was unable to preside over the meeting and designated Supervisor Tom Seyfert to act as Chairperson.

Town Clerk Patti Rahn abruptly resigned on Saturday, April 16, 2022. Therefore, Chairperson Rodney Bauer appointed John Cokl to be Town Clerk Pro tempore.

Nicole Forst stated she is a Town Board Supervisor for the next four hours and she was not aware of Chair appointing Clerk Pro tem and Acting Chairperson. Town Counsel stated the terms of office start as of the third Tuesday in April and Forst was no longer a Town Board Supervisor.

Approval of 2021 Annual Town Board Meeting Minutes – As a result of the Town Clerk’s abrupt resignation, the 2021 minutes were unable to be located.

MOTION – to table the minutes until the November meeting made by Kevin Steines, seconded by Gary Mayeux. Motion passed.

Review Highway work 2021; proposed for 2022 – 2021 - Birch Tree Road was blacktopped; Staadt bridge is basically done. Applied for an 80/20 split grant to repair Mann Street from Lincoln to St. Joes. 2022 – Winterberry Circle will get the patch work done to fix the soft spots. This project will be completed with McMillan employees. The Mann Street grant was approved for a 50/50 grant. McMillan’s portion would be \$600,000. The grant might require us to go from an 11 foot road with 3 foot shoulders to a 12 foot road with 6 foot shoulders. Tom is trying to get information to see how much it would cost to grind the current road, put in a six inch lift, and then re-blacktop the entire road. This would cost approximately \$450,000 and could last 10-20 years. Tom is meeting with the bank on Thursday, April 21, 2022 to see where we stand and what our best options are. He is seeking feedback from the constituents. The most recent traffic count on that road, from 2021, was 2,000-3,000 cars per day. The audience was reminded that if the road was reverted to gravel, there would be significant maintenance costs including, likely, weekly grading and annual lifting. It was also mentioned that when the culverts were replaced on Mann, and covered in gravel temporarily, the Town Board was getting many complaints weekly about those spots. Tom reported the DNR walked all of Mann with him this year to discuss high water. The water table has increased significantly since 2019 and the DNR has a developed a program to help address it. Work on Mann could start as early as 2022. Tom stated that Hattimer Lane is being looked at for repairs.

Visitor comments regarding Mann included:

- Suggestions to turn the road back to gravel
- Concerns about “soft spots” on Mann
- Asking City of Marshfield, Marathon County, or Marshfield Medical Center to help with the cost.
- McMillan residents are paying someone else to use it as an access point. Road is mainly used by nonresidents.
- Suggestions to utilize the Highway Committee
- Something needs to be done (possibly breaker run) to stop the leeching of the moisture which leads to the road buckling. Base course will retain moisture.
- Does the discussion of reverting back to gravel help convince Marshfield or Marathon County?

- Suggestion to do Mann in stages over a couple of years.

Pat's assistant Gene Schneider has been out on medical leave. During the 2021-2022 winter Chair Bauer helped plow the roads, and completed time cards but was not paid for this time. Chair Bauer volunteered his time to plow the McMillan roads while Gene was unable to assist. Seeking a motion to set a pay rate for Town Officials to do Town Employee work. McMillan officials will check-in with Gene to see if he is able to come back mid-summer. Town Counsel stated there is a CDL exception for emergency services only for municipalities with fewer than 3,000 residents.

MOTION – to put advertisement out for part-time highway department employee. Made by Larry Seehafer, Seconded by Clarence Ortel. Town Counsel noted this is an advisory motion (non-binding) because it does not fall under the annual meeting business. Motion passed with three nays.

MOTION – to set the pay rate to \$15/hour for elected officials to assist Pat on an “as needed” basis. Made by Judy Gadke, Seconded by Bernice Mercer. Motion passed; more nays than the previous motion.

Set next year's meeting date to be April 18, 2023 – MOTION by Kevin Steines, Seconded by Larry Seehafer. Motion passed unanimously.

MOTION – to set the meeting location, made by Lorrie Bauer, no second, motion fails.

Announcements from the Clerk Pro tempore

- **Tire Recycling – April 30, 2022**
- **Board of Review – May 4, 2022**

Bruce Winemann read a letter from former McMillan Treasurer Steve Katona who also resigned abruptly. This letter is attached to these minutes.

Public Comment

George Derfus questioned why the fire department budget was higher than the road budget.

Lorrie Bauer responded the fire department needs a foam pump fixed, air compressor replaced because it cannot adequately fill the air bottles. Lorrie stated the truck has been without foam for a year but it is needed to put out structure fires and vehicle fires, especially on newer vehicles. George Derfus alleged that Lorrie Bauer “doesn’t want to do her job” because she was unable to apply for a fire department grant on a specific Saturday. Derfus also complained about Chair Bauer’s previous campaign. Derfus asks if Bauer is going to attempt to remove three members of the Plan Commission. Acting Chair Seyfert says he hasn’t heard one word of that. Derfus asked to be “flipped off” if it’s a no. Derfus advocated for Dorothy Olson to be on the Plan Commission. Derfus accused Chair Bauer and Clerk Pro tem Cokl of “hacking the computer” on April 19, 2022. Clerk Pro tem Cokl stated that he was, at the request and supervision of the Town Chair, attempting to retrieve the prior year’s annual meeting minutes as a function of drafting the agenda for this meeting. Someone posed the question “were there any laws that were broken?” The response Turonie was that he “cannot find a law or statute that was broken last night.” Clerk Pro tem defended himself by stating that he was trying to be helpful to retrieve the minutes for the prior annual meeting because the Town was currently without a clerk, and spent most of the time at the computer trying to access the computer because the password was not given. Kevin Steines requested the resignation of Supervisor Cokl and Chair Bauer. Cokl declined to resign. Steines stated this matter was going to the Marathon County District Attorney. Derfus declared censorship was taking place because the Marathon County Sheriff’s Department was present at a recent meeting as a result of prior comments from Derfus at Town meetings. Derfus claimed the fire department is running the Town of McMillan. Derfus requests information from Town Counsel regarding open records requests. Town Counsel responds “depends on the request that’s been made. Standard timeline is about ten business days.” Derfus questions how much money was spent and taken in on Fire Department Brat Fry on election day. Carolyn Opitz answers, \$400 cash was brought in, \$100 of expenses, and the money was to be deposited to the Fall Fest account. The cash has yet to be deposited considering the Treasurer resigned. Acting Chair Seyfert will follow-up on this. Derfus requests Patti Rahn resignation letter to be read. Nicole Forst states she has the resignation available. Derfus asserts that the “bunch on that side, that are against and thinks Patti is a ‘son of a bitch.’” This statement was met with audible groans from the people Derfus was

referencing including statements such as “we like Patti.” Upon consultation with the Town Counsel regarding Town liability, if the resignation is read, the letter was being read by private citizen Nicole Forst, therefore, no Town liability. Nicole Forst read the letter. Clerk Pro tem Cokl requested Forst to submit the letter to him to include in these minutes. As of minute preparation on April 20, 2022 at 11:36 pm, no letter has been received and is not attached. Derfus states that Steve Katona stated “you started the shit show, Patti determined the timing.”

Judy Gadke questioned if the Planning Commission was appointed by the Town Board? Dorothy Olson stated they are “appointed by the chair in three year terms” which is ratified by the Town Board. Dorothy confirms that the Plan Commission Chair is determined by the group.

John Cokl questioned, has the bank access for the Treasurer and Clerk been revoked? Other access been revoked for items such as the Amazon account, Town of McMillan Gmail account, etc.? Answer – silence.

Larry Seehafer questioned, what are we going to do now to get a Clerk and Treasurer present? Tom – we are compiling some names to gauge interest in serving. Tom states we need both ASAP. Question to Town Counsel, “have you ever run across anything like this prior, putting him over in that office, to open up the computers, when he wasn’t a Board member?” Answer from Town Counsel, “I can’t recall anything specific right now, but certainly record access comes up...this town, generally, does not have specific policies because your ordinance codes is not very good.” Larry states, “the answer that I’m getting out of your answer is, what they did is 100% illegal.” Answer from Town Counsel, “No, I did not say that at all...Because the Chairperson was there and he was doing it in preparation for this meeting.”

Derfus alleges, without evidence, that Cokl acted illegally on the night of April 19, 2022 and proceeds to express concern that Cokl will be making Board decisions. Unknown audience member “do you really think he was looking at all the records last night? He wasn’t doing it maliciously, I can see it on his face.”

Dorothy Olson stated that elected officials are responsible to all residents, not just those that voted for you. Cokl affirmed his commitment to representing the entire residency of McMillan to the best of his ability. Cokl stated that he was trying to help and alleges that the audience knows the only reason he was accessing the Clerk computer was to “do the right thing” and obtain the minutes and none of them think he was trying to do anything malicious when accessing the computer.

MOTION – to adjourn the meeting; Carolyn Opitz; seconded by Bernice Mercer. Motion passed with two nays.

Adjourn: 8:09 p.m.

Respectfully Submitted by:

John Cokl, Town Clerk Pro Tempore