

# KETTLE MORAINÉ FIRE BOARD MEETING MINUTES

05/25/2023

## APPROVED

**Call to Order:** President C. Mommaerts called the meeting to order at 6:30 p.m. on May 25, 2023, at the Eagle Municipal Building at 820 East Main, Eagle.

**Roll Call:** C. Mommaerts, G. Nickerson, R. Spurrell, G. Planning, J. Davis, C. Wood, and B. James were all present. Also present was Assistant Chief Steve Wilton.

**Pledge of Allegiance:** C. Mommaerts led the Pledge of Allegiance.

**Announcement for possible closed session per WI State Statute 19.85(g), specifically to confer with legal counsel who is rendering oral or written advice concerning both an ongoing personnel investigation, and a filed claim. (Bliese Claim):** C. Mommaerts made an announcement for possible closed session per WI State Statute 19.85(g), specifically to confer with legal counsel who is rendering oral or written advice concerning both an ongoing personnel investigation, and a filed claim. (Bliese Claim).

**Citizen Comments/Concerns:** None

**Discussion/Action to approve Minutes from 4/27/23:** Board members had questions for J. Conk. R. Spurrell said that the minutes were not complete. Motion to table by R. Spurrell, seconded by G. Nickerson. Vote 7/0 Motion passes.

**Discussion/Action to approve the financial report tabled from previous meeting:** R. Spurrell stated that he tabled it in error. When the next financial report is given, the changes will have been made. Motion made by R. Spurrell to not approve last month's financials, Seconded by G. Nickerson. Vote 7/0 Motion passes

**Discussion/Action to approve Financials and Account Payables:** J. Conk reported that her computer and the server have been down since Monday and the reports are not correct because she could not make changes in the computer. R. Spurrell asked for the Budget expense report. J. Conk let him know that was one of the reports she couldn't get. There was an updated Profit and Loss Report. R. Spurrell questioned the Unbudgeted Expenses line item since it was payroll. J. Conk explained that they were for reimbursement for the taxes not being taken out for two months, the underpayment of payroll, and the settlement check for Bliese. She was told by R. Spurrell to do it the same way the Chief had done it for the tax reimbursement, which had been put in the unbudgeted expense line item. R. Spurrell stated that it needed a journal entry to move it to Payroll Expenses. R. Spurrell stated that "this is why we don't know where we are spending money because things are in the incorrect line items". R. Spurrell also wanted the unemployment insurance line item checked. R. Spurrell stated that the health insurance line item

is incorrect. He made the payment this month for health insurance. J. Conk stated that since R. Spurrell had been paying the health insurance invoices, she thought he wanted to continue doing that. R. Spurrell stated, "No offense, I did your job when you were out on medical leave, I'm not going to continue to do your job while you are back." He stated he assumed J. Conk was doing it. R. Spurrell asked to combine the A53003 and A53003A for the Board Legal Services. Payroll Expenses also need to be corrected. R. Spurrell also asked about missing checks on the check detail. J. Conk said she would check into it. Checks 1498 and 1505 were accounted for as voided. J. Davis asked about the Fuel costs as to why BP was listed, and Waukesha County was listed. R. Spurrell explained that the "Other" line item was charged to the header line item and needed a journal entry to move it to the correct line item. J. Davis asked about mileage reimbursement. Assistant Chief Wilton explained that when 5388 is not available for employees to drive to training and classes, they are reimbursed for mileage to and from school. J. Davis is concerned that we have spent almost 75% of that budget. Assistant Chief Wilton said that he only knows of one person who will be attending class in the fall, D. Ace. The other expense was for taking the Canteen in for repair. J. Davis asked about the EMS Manager Scheduling to see if it is a yearly cost. Assistant Chief Wilton explained what it was and that it is a yearly cost. The company did increase our costs by 12% as of April. He also explained that several of the line items would be over budget because of increases from the companies. J. Davis asked about the fuel costs, listed as A50616.3352. R. Spurrell explained that this is like the other fuel costs and has its own line item for each vehicle. C. Mommaerts asked about the check written to the Town of Eagle. J. Conk explained that this was for the Credit Card the Town has for KMFD. It is used to make the monthly payments for QuickBooks and Microsoft. Also, on this card, are protective corners for the tablets in the Ambulances. C. Mommaerts stated that she thought that credit card was also used for gas. J. Conk stated that it was not used for that purpose. C. Mommaerts asked if the QuickBooks and Microsoft charges are monthly. R. Spurrell stated that check 1505 was for Culligan Water and was voided. J. Conk reminded him that she was not able to print all the current reports because of the computer problems. R. Spurrell was upset that the reports that the Board was to approve were not correct. He got angrier and asked when J. Conk wrote Void on that check. He stated that she should have told the Board that check 1505 was voided since they had to approve the reports that were not correct because the voided check is still on the report for approval. R. Spurrell stated that if something is changed in the report, it has to be reported to the Board. J. Conk agreed to do that. B. James asked about A40200 – Fire Operations Income – other. J. Conk stated that this was a refund from the Wisconsin Department of Revenue for overpayment of taxes. B. James asked if that detail could show up in the report to help explain what it was for. J. Conk stated that it is in QuickBooks, but it doesn't show up in the Profit and Loss report. R. Spurrell stated that the check detail ends at check 1525, but there is a check 1526 for signatures. He also is concerned that the \$37,000 check was not mentioned as an addition for approval. "The Board is approving the checks and the checks we are approving are not on there and the checks that are voided are on there. That is a major miss." J. Conk explained that we had no access to QuickBooks until about 11:00 a.m. that morning. R. Spurrell spoke regarding to the fact the Administrative Assistant did not state anything about amending accounts payable with the \$37,000 check but did request amending the agenda the morning of the meeting to add discussion regarding \$6,000 to fix the server. He explained to the Board why that was a request

for discussion. He reiterated the need to amend the accounts payable when a check is written at the last minute and not in the report. "We would have had no record of the Board approving that check. There is a process, and you must understand the process." C. Mommaerts asked if R. Spurrell would like to make a motion to amend check #1526. R. Spurrell said he would not make the motion because he is abstaining because the check is for his wife. He made the motion to deny the financial reports, but the other Board members could make the motion to approve the accounts payable. He stated that he will not accept the budget report. R. Spurrell asked, "aren't there supposed to be two" checks. C. Mommaerts replied that there were supposed to be two. R. Spurrell asked J. Conk where the other check was. C. Mommaerts stated that the second check was for \$17,416. J. Conk stated that she did not receive anything from the lawyer to process a second check. C. Mommaerts stated that check 1526 was in the amount of \$37,000. J. Conk stated that the check was for \$27,546.69 after taxes. The original amount of the check before taxes was \$34,833.34. C. Mommaerts said that she had the paperwork for the additional check. R. Spurrell questioned the extra payroll expense line item for \$37,193.80. He wanted the payroll changed so that the charges do not end up in an extra payroll expense line item. He was also frustrated that J. Conk said she was waiting to hear from the attorney about the other check. J. Conk stated, "there is no other check." R. Spurrell said, "yes there is." J. Conk stated that the only thing that she received was for producing the check for \$34,833.34. C. Mommaerts stated that there would be a request for a check for \$17,416.66 and would be made out to Allen C. Olson and Associates. C. Mommaerts made the motion to amend the check detail to add Check # 1526 in the amount of \$27,546.69 payable to Deborah Bliese and to remove the voided check #1505. Seconded by B. James. Vote 6/0/1 R. Spurrell abstained. Motion passed. R. Spurrell had a motion to deny the financial report, seconded by B. James. Vote 7/0 Motion passes.

**Discussion/action to begin process of Eagle FD Audit:** C. Mommaerts would like to get the audit done so the money could go back to the Town and Village now that the situation is resolved. R. Spurrell asked, "what situation." C. Mommaerts said that she was informed that it had something to do with unemployment. R. Spurrell stated that the audit can be done at any time. "The notion that the audit had to wait for Eagle to close its books is a myth. An audit is done during a normal business operation. To say we had to wait for anything is wrong – 100%. To say we have to begin the audit is 100% wrong." He handed out a sheet showing the documents the auditors are asking for showing that ¾ of them were done in 2021 by the Eagle Clerk. The only thing that had to be done was closing out December 31, the minutes, any outstanding accounts payable, the reconciliation for the month of December..." that is all that had to be done. This concept that we were waiting on anything is ludicrous. Probably 75% of the audit was done 16 months ago by our prior staff" He reminded J. Conk that this was done prior to her being hired. He asked if J. Conk had ever reconciled anything with the Eagle account. Reconciliation for December 2021 is what the auditor needs. J. Conk said she was told the audit could not be done until the Eagle books were closed. R. Spurrell said "that is 100% wrong. I have a speculation who told you, and that person should have known better. If it is the person I am thinking of, they were involved with the Eagle audit and they knew the auditors were asking for stuff in November and December. I'm not the one spreading the Kool-Aid, I'm not the one spreading the lies and the wrong information. My God, this is so irritating." B. James asked for clarification about the audit paperwork being stopped. R. Spurrell stated that it stopped because the person who formerly had that position was no longer there and the person

who stepped in did not know. He said, “Apparently when Janine was hired, she was told that we can’t do this because of the unemployment payments but that was 100% wrong.” B. James asked if we needed to hire our auditors. C. Moemmaerts stated that we have already hired them. The auditors are waiting on the EFD audit to be completed before doing the KMFD audit. The motion was made by C. Wood to have J. Conk get in touch with Baker Tilley to provide the necessary paperwork. Seconded by G. Nickerson. R. Spurrell stated that the audit will most likely cover the 2022 checks written on the account. Vote 7/0 Motion carried.

**Discussion/action as necessary to report on three municipalities of their Board approval for the change of term for the President of the Fire Board and non-voting Chairman of the Fire Commission from June 1 to starting at the first meeting in April and ending on March 31. Instructions to legal to revise accordingly to our Intermunicipal Agreement:** The Village of Eagle and the Town of Eagle tabled it. R. Spurrell stated that he questioned whether there would be confusion when the new person takes power on the third Tuesday. He stated that he wanted to come back to the Fire Board to ask if it would be better to go to the third Tuesday in April. He believes it would be better to coincide with State Statute. G. Nickerson clarified that he was proposing the term ends March 31 and the next begins April 1. R. Spurrell reminded G. Nickerson that by April 1, the elections would not have happened. G. Nickerson agreed that it should begin on the third Tuesday of the month. R. Spurrell read the State Statute that states the term should begin in the third week of April. He went on to say that when it comes to the Commission all resident appointments begin on June 1. There would be no change in the wording of the role of the chair of the Commission. The Board asked for a copy of the proposal. R. Spurrell said he sent the proposals to J. Conk. She responded that in his email he asked for the two proposals be sent to the Board members. R. Spurrell stated that prior to making any motions, the Board should discuss item 12. G. Nickerson stated that right now we have an issue with Board member replacements. It was his understanding that while D. Malek was still Board Chair, he approved M. Knight to finish out this year and P. Jensen to a two-year term. If that is the case, his attorney suggested the Board could have an issue with it. Changing to a one-year term that coincides with the municipality president would alleviate confusion. R. Spurrell stated that he did not understand what was done wrong from an appointment standpoint. G. Nickerson said that it was his understanding that there was a Board meeting prior to the change (when M. Knight was appointed to the Fire Board to complete Arvy’s term) R. Spurrell stated that it would have been April of 2022. G. Nickerson noted that it was for a two-year term, so there would be one year left on the term. R. Spurrell quoted the agreement which stated that the appointments are done by the Board. The Municipal Board has the right to rescind their appointments. He stated that is what C. Mommaerts did. There was a motion at the Board meeting to rescind all the appointments made by D. Malek. She then filled the vacancies. G. Nickerson said that there is nothing saying all Boards would have to agree to this. R. Spurrell said “D. Malek and P. Jensen need to step back. This was done legally.” C. Mommaerts spoke with the Town Association and attorneys were involved. G. Nickerson stated that changing to the one-year term would help resolve issues like this. B. James wanted clarification about the change in policy based on how a Board Member leaves the Board. C. Mommaerts stated that the Town Association said that since the appointments were made by D. Malek, the appointments are no longer valid. She rescinded the appointments. G. Nickerson asked for a copy of the Town minutes showing that the vote agreed to rescind the previous appointments. C. Mommaerts feels this is coming from two other people. G. Nickerson stated that he has not spoken to either one of

them. He received a confidential document in the mail and so he wanted to make sure the Board was on the right path. R. Spurrell stated that the path of appointments was done just fine. The path of changing appointments from two year to one year, he thinks “we are better off leaving them at two-year terms.” He is concerned that if all are one year there is a chance that everyone on the Board could be brand new. C. Mommaerts questioned G. Nickerson about anonymous documents because he had stated he doesn’t believe unanimous documents have any value. R. Spurrell said G. Nickerson could investigate the situation with the appointments on his own if he so chose. R. Spurrell proposed that the wording be changed to the new term being from the third Tuesday of April rather than June 1. He also proposed that no action was needed, but a report was given.

**Discussion/action regarding revising the Intermunicipal Agreement for the Kettle Moraine Fire District:** R. Spurrell made a motion to present to all three municipal Boards the draft presented with the change of the third Tuesday for the start of the municipal leaders term. G. Nickerson seconded the motion. Vote 7/0 Motion passed.

**Discussion/action as necessary of changing citizen Fire Board and Fire Commission appointments from two-year terms to one-year terms all in the same year to reflect the same time frame as the one-year term of the respective municipal leaders:** No action taken.

**Discussion/action for the board to appoint Asst. Chief Wilton Interim Service Director for the Kettle Moraine Fire District:** Assistant Chief Wilton explained that he needed access to our Flex Grant information and our EMS license was due in June. To manage these, he needs the title of Interim Service Director. He requires an official letter from the Fire Board giving him that role. Steve will draft the letter and the Board will need to approve it. R. Spurrell made a motion to authorize Board President Mommaerts to sign the letter. Seconded by B. James. Vote 7/0 Motion passed.

**Discussion/Action regarding duties of Administrative Assistant position:** R. Spurrell stated that several months ago, the Board discussed moving to an online payroll program. The Board decided that they needed “to decide what we want from the position before we farm out the job.” He is not in favor of a payroll service even though there are errors, a payroll service would have duplicated a vast number of those errors. C. Mommaerts had a copy of the position description for the Administrative Assistant. It said that position would be responsible for Accounting of the District, Accounts Payable, Accounts Receivable, Payroll, WRS payments, Quarterly Tax Reporting, Year-end Reporting, W2’s, and Reconciliation of all bank accounts. B. James mentioned the discussion of the Payroll Service, thinking that it would simplify some of the payroll tasks. He stated that we have a bigger issue now with how everything is tracked and inputted into QuickBooks and a payroll service is not going to change that. He also feels that we need to clean the process up for keeping accurate records first and then see if there is a need for a payroll service. R. Spurrell stated that he has a hard time taking anything away from the Administrative Assistant when this job used to be 15 hours per week. The demand on that job hasn’t increased. When J. Conk got hired, she said that in order to work for KMFD, she needed 25 hours per week and the Board gave her 25 hours per week. He went on to say that we have increased ten hours to this job, yet there was discussion that something should be taken away from this job. B. James stated that we need to provide proper training in the system that is

already in place. R. Spurrell stated that J. Conk needs to learn the process, not just how a program works. He believes she is overwhelmed with the process and not knowing what she is doing. He also stated that the majority of the mistakes were made before they hit J. Conk's desk. He stated that she needs to get training and understand the process better. He also stated that we should be better, not worse since we increased the hours. One of the issues is a directive she may have been given on what category to enter data in. R. Spurrell made a motion that we keep all the duties of the Administrative Assistant position. Seconded by G. Nickerson. Vote 7/0 Motion passed.

**Discussion/Action regarding a volunteer position for Barb Puza to help in KMFD office: C.**

Mommaerts explained that Barb Puza used to work with her at the Sheriff's department and is looking for volunteer work. She said that she had spoken to J. Conk about the possibility of having a volunteer come in to help. She is hoping that having Barb come in to help with some things that would free up J. Conk to concentrate more on what she needs to concentrate on. Additionally, helping with going over the payroll sheets before they get to J. Conk would be helpful. Barb is not acquainted with QuickBooks. G. Nickerson offered to contact his Deputy Clerk, Pauline, to help with training. She had been a Fire Board Secretary for 10 or 15 years, so she knows the processes. R. Spurrell asked J. Conk if she had ever been fully trained in all that is required for payroll. She replied that she had not. He stated, "that is where the disconnect is." C. Mommaerts stated that the person who set up the payroll for KMFD and didn't do it correctly is the same person who messed up the payroll for the Town of Eagle. R. Spurrell understands having volunteers, but the job was increased ten hours and now someone is coming in to help do the job. The prior person didn't always work 15 hours per week, it could have been more or less. J. Conk said that having a detailed eye going over the payroll she receives from Steve would be a great help. R. Spurrell disagreed that we needed a detailed eye to look at the payroll; the administration should be doing it right. He wants the "root problem" fixed. B. James asked what kinds of corrections need to be made. Assistant Chief Wilton explained that he goes through the timesheets to make sure they are correct and if not, he corrects them and initials his changes. He then goes into an Excel program and enters the data. R. Spurrell asked Assistant Chief Wilton to do the combined two-week report, not just each week. B. James suggested that if an employee's time sheet is not correct, just give it back to them. B. James made a motion to approve the volunteer position under the direction of the Administrative Assistant. Seconded by G. Planning. R. Spurrell stated that people need to let the Administrative Assistant do her job. Last year she wrote a grant but her responsibilities were not being done. She can be helpful to others after she gets better at her job. Vote: 6/1 R. Spurrell voted no. Motion passed.

**Discussion/action regarding "KMFB Policy 2023-01, Communications with Legal**

**Counsel":** R. Spurrell asked about the invoice for our attorney and J. Conk sent it to him. He asked G. Nickerson if the Board ever approved of our attorney working on the claim filed against the Board and KMFD. G. Nickerson was not sure that we had. R. Spurrell was concerned that we sent a contract to the attorney without the Board talking about it and now we're involving the attorney in a case that is already handled by the insurance company. Several months ago, he contacted the attorney and was told they could only talk to the Fire Board President. He put a policy together to help us understand who can and can't contact legal counsel. He wants to avoid the thousands of dollars we are foolishly spending on attorneys.

Motion by J. Davis to approve policy 2023-01, Communications with Legal Counsel. Seconded by G. Nickerson. Vote 7/0 Motion passed.

**Discussion/action regarding “KMFD Policy 2023-01, Password Policy”:** R. Spurrell stated in January there were problems with getting into the Administrative Assistant’s computer to get the payroll printed and W2’s done. R. Spurrell drafted a policy to avoid a repeat situation. Employee’s passwords for their emails are not to be logged. He believes the Board should have sets of passwords to get into QuickBooks if needed, “we have that authority” to get into the programs. The passwords should be logged, and the Board should have access to passwords. C. Mommaerts stated that our IT person told her that he has been trying to get password information for 13 months, but he never received any. An approved IT person would be considered a secure place. Motion by B. James to approve KMFD Policy 2023-01, Password Policy. Seconded by C. Wood. Vote: 7/0 Motion passed.

**Fire Chief’s Report:** Assistant Chief S. Wilton reported that we have an issue with our server which affects a couple of our computers. He let the Board know that he contacted Brew City, an IT company out of Oconomowoc, to look over our system and give us a price quote for what we need to have done. R. Spurrell asked if we lost the history on the server. J. Conk stated that she has access to QuickBooks and the history is complete, but does not have any access to agendas, minutes, and other documents that are on the server. G. Nickerson told Assistant Chief Wilton that North Prairie uses Microsoft and they are down approximately three times per week. Assistant Chief Wilton stated that he found that we still have \$44,000 of our start-up money and would like to use that to re-letter our rigs. July the county is going to a new numbering system, so we need to get that done. This week is EMS week.

**Motion for closed session per WI State Statute 19.85(g), specifically to confer with legal counsel who is rendering oral or written advice concerning both an ongoing personnel investigation, and a filed claim. (Bliese Claim):** Motion by B. James to go into closed session per WI State Statute 19.85(g), specifically to confer with legal counsel who is rendering oral or written advice concerning both an ongoing personnel investigation, and a filed claim. (Bliese Claim). Motion seconded by G. Planning.

**Roll Call:** C. Mommaerts - yes, G. Nickerson - yes, R. Spurrell - yes, G. Planning - yes, J. Davis - yes, C. Wood - yes, and B. James -yes. Motion carried 7/0.

**Closed Session** – R. Spurrell stepped out of closed session at 8:50 p.m.

**Open Session** Motion by C. Mommaerts to return to open session. Seconded by B. James. Vote 7/0. Motion passed.

**Discussion relating to closed session discussions:** No Discussion

**Discussion/action regarding authorizing the Board President to make a post on the KMFD social media page concerning the current situation with the Chief.** C. Mommaerts presented a press release that she believes we need to release to our website and any other appropriate places. A discussion regarding putting it on the KMFD Facebook page and other places to post it

occurred. It was decided that if it was placed on Facebook, comments should be blocked. B. James motioned that the Board President be authorized to make the post. G. Nickerson seconded. Vote: 6/1 R. Spurrell voted no.

**Adjournment:** Motion to adjourn made by R. Spurrell. Second by B. James. Vote: 7/0 Motion passed and meeting adjourned at 9:11 p.m.