

# KETTLE MORAINÉ FIRE BOARD MEETING MINUTES

July 27, 2023

APPROVED

**Call to order:** President G. Nickerson called the meeting to order at 6:30 pm on July 27, 2023, at the Eagle Municipal Building at 820 E. Main St Eagle WI.

**Roll Call:** C. Mommaerts, G. Nickerson, R. Spurrell, G. Planning, C. Wood and J. Davis were all present. B. James was excused.

**Pledge of Allegiance:** G. Nickerson led the Pledge of Allegiance

G. Nickerson apologized that he missed paying the bills was not on the agenda and a special meeting would be needed.

**Announcement for possible closed session per WI State Statute §19.85(1)(c) and (f), for performance evaluation discussions regarding KMFD employees and for discussion regarding an ongoing investigation regarding a personnel matter:** G. Nickerson made an announcement for possible closed session per WI State Statute §19.85(1)(c) and (f), for performance evaluation discussions regarding KMFD employees and for discussion regarding an ongoing investigation regarding a personnel matter.

**Discussion/action as necessary to approve minutes from 4/27/23, 5/25/23 & 6/22/23:** R. Spurrell made a motion to approve 4/27/23 minutes. Motion seconded by C. Mommaerts. Motion carried unanimously (6 – 0).

R. Spurrell cited several concerns with the minutes from 5/25/23. R. Spurrell made a motion to table the approval of the 5/25/23 minutes. Motion seconded by C. Mommaerts. Motion carried unanimously (6 – 0).

R. Spurrell cited several concerns with the minutes from 6/22/23. R. Spurrell made a motion to table the approval of the 6/22/23 minutes. Motion seconded by C. Wood. Motion carried unanimously (6 – 0).

R. Spurrell asked about the minutes for July 17, 2023 being in the packet. G. Nickerson was stated it is not on the agenda for approval, therefore it could not be considered.

**Citizen comments/concerns:** J. Davis questioned if a motion was required for public comment. G. Nickerson stated Attorney J. Macy stated to North Prairie that it is required. Motion by R. Spurrell to open the floor to public comment. Motion seconded by J. Davis. Motion carried unanimously (6 – 0). Floor is open for comment. There was no public comment. Motion by G. Nickerson to closed the floor for public comment. Motion seconded by C. Mommaerts. Motion carried unanimously (6 – 0).

**Discussion/action as necessary regarding KMFD website:** C. Mommaerts stated the Kettle Moraine website is not updated. She stated the website still has former board members listed and there are minutes and agendas missing. J. Conk stated she did update the website. C. Mommaerts said she just looked at it a couple of days ago and wanted it on the record that the website is not updated. G. Nickerson stated no action is needed.

**Discussion/action as necessary to hire attorney law firm Buelow, Vetter, Buikema, Olson, & Vliet to represent the KMFD:** R. Spurrell stated with the law firm doing an investigation and with Assistant Chief Wilton (AC Wilton) needing legal advice from the firm that he felt it would be appropriate to have them officially hired by the board for any matter that may arise. Motion by R. Spurrell to hire the law firm Buelow, Vetter, Buikema, Olson, & Vliet. Motion seconded by C. Mommaerts. Motion carried unanimously (6 – 0).

**Discussion/action as necessary to remove Von Briesen from being the KMFD attorney of record:** G. Nickerson said he put this on the agenda to keep the law firms balanced. R. Spurrell asked if G. Nickerson had a response from the letter he sent Von Briesen. G. Nickerson stated he had not heard back yet. R. Spurrell stated there is another invoice for Von Briesen law firm in the invoices to be paid. Motion by J. Davis to table until G. Nickerson hears back from Von Briesen. Motion seconded by C. Wood. Motion carried unanimously (6 – 0).

**Discussion/action as necessary to hire Brew City PC for KMFD IT services:** R. Spurrell stated he felt the board should hire Brew City if that is who AC Wilton is currently using and the board had hired Arendt Enterprises. R. Spurrell did ask about Eagle's Rec Dept losing access to the municipal building's sign when Brew City did some IT work for the Town of Eagle. C. Mommaerts stated it had nothing to do with Brew City, the subscription for the software had expired. Motion by C. Wood to hire Brew City PC for KMFD IT services. Motion seconded by C. Mommaerts. Motion carried unanimously (6 – 0).

**Discussion/action as necessary regarding an update on the status of the EFD audit:** R. Spurrell stated he did see an email that documents had been uploaded. R. Spurrell asked J. Conk if all the documents were uploaded. J. Conk stated she believed all the documents were done but was waiting to hear from the auditor if she needed anything more. No action taken.

**Discussion/action as necessary regarding the 2024 KMFD budget:** R. Spurrell asked AC Wilton if he had worked on the budget yet. AC Wilton did state that some preliminary work had been started but he needed some detailed reports to continue further. AC Wilton also stated there will be two budgets developed, one will be the operating expenses and one will be capital expenses. AC Wilton also stated his goal is to have a better understanding of needs versus wants to be able to present a better budget.

**Discussion/action as necessary regarding KMFD bank account balances and overdraft activities:** R. Spurrell stated he put this on the agenda to have a discussion about a few items. He asked J. Conk if the bank account was overdrawn with checks, J. Conk stated yes it was last month. R. Spurrell stated it was very concerning to him that the District is issuing checks that are overdrawing the bank account. R. Spurrell asked J. Conk if she sees the bank balance in Quickbooks when she cuts the checks. She stated she does. R. Spurrell asked if the accounts have been reconciled in Quickbooks. J. Conk stated the accounts have not been reconciled. R. Spurrell stated without reconciling the accounts there is no way to know what the balance is simply by looking at Quickbooks. The accounts have to be reconciled to know Quickbooks matches the bank account and is an accurate record. R. Spurrell stated that in less than two years of existence KMFD is bankrupt. R. Spurrell went on record to state he is not accusing anyone of embezzling or taking any monies. He stated he is accused of many things and does not want to be accused of insinuating anything has been embezzled. R. Spurrell did say the accounting of the monies is atrocious and the district is in a financial dire state. R. Spurrell clarified that he stated in January he didn't think the end of year report was accurate and he believes the budget report has continued to be inaccurate. R. Spurrell stated on the reports there was a surplus of startup money and a surplus of monies in 2022. He asked if there was more revenue than expenses how can the district be out of money. R. Spurrell stated he believes the accounting is not being done properly. R. Spurrell asked how can checks not be covered and overdraw the bank account when our accounting books are showing surplus numbers. R. Spurrell expressed a concern that every month financial reports are being looked at and approved since the district started when the reports aren't accurate. R. Spurrell stated there will be huge shortfall of monies to cover the year's liabilities and expenses. C. Wood asked when will the KMFD be audited, R. Spurrell stated the 2022 audit will be done after EFD's audit is completed. R. Spurrell told J. Conk she needs to look at the assets for KMFD. Assets are showing monies due that are already showing up in the budget report. R. Spurrell informed J. Conk that when things like checks are being overdrawn or the account balance is zero, those items need to be reported to the board. J. Conk stated the checks had to be written and she had no choice. R. Spurrell stated absolutely she has the right and the duty to say a check can't be issued because there is no monies available. J. Conk told R. Spurrell because he said she had to cut a check that she had no choice. R.

Spurrell stated that he has never asked her to cut a check and that she has the right to tell anyone there is no money so she can't cut a check. J. Conk then stated no one is asking her if there is money available. R. Spurrell asked J. Conk if she ever told anyone or any officer there is no money. J. Conk stated no. J. Conk then stated once the bills come in its too late. R. Spurrell stated if the bill comes in and there's no money then the bill does not get paid until there's money available; and if there's a late fee there will be a different discussion. G. Nickerson asked if there was an ordering process and a balance sheet available for review. AC Wilton stated yes there is a process. Items like ambulance supplies are just ordered, but other items need to be approved before buying. R. Spurrell asked if AC Wilton looks at the budget report when approving items for purchasing. AC Wilton stated yes. R. Spurrell clarified the budget report would be as good as a balance sheet, if the budget report was accurate. No action taken.

**Discussion/action as necessary on new medical releases/return to work form from attorney Lauren Burand from Buelow Vetter:** AC Wilton stated he has a new form from the attorney for a medical release/return to work. He further stated there is currently an employee on medical leave he would like to use this form for; but the form would also be used for any future medical leaves. R. Spurrell stated a few typos and G. Nickerson stated a pronoun should be updated. C. Wood asked about how the form would be used and/or the information released. It was clarified it would go to the Chief and then be placed in the employee's personnel file. Motion by R. Spurrell to approve the medical release/return to work form as amended. Motion seconded by C. Wood. Motion carried unanimously (6 – 0).

**Discussion/action as necessary regarding payroll records for KMF D accessibility, return, and storage thereof per tabling from last month:** R. Spurrell stated he didn't think this item was tabled, but as long as it's on the agenda he stated that he does still have the time sheets. R. Spurrell updated the board that J. Conk reported to the police department that R. Spurrell was breaking the law. R. Spurrell stated that he thought if he handed the records over as soon as a complaint was filed that could be perceived as an admission of guilt, so he has not returned the time sheets yet. R. Spurrell further asked what law is he being reported as breaking. J. Conk stated the Privacy Act. R. Spurrell stated the Privacy Act is a federal law that does not apply to states or local governments. J. Conk stated Wisconsin has its own privacy law. R. Spurrell stated after the last meeting he did get clarification from legal counsel that he is not breaking any law. It was stated that keeping the original time sheets at a person's house is not a good idea in terms of a 'best practice' but it is not illegal. R. Spurrell that investigation will run its course. No action taken.

**Discussion/action as necessary to ask board to revise municipal agreement so that Chief or Assistant Chief would have ability to hire without going to the fire commission:** AC Wilton asked if Fire Commissioner B. Taylor could talk. G. Nickerson made a motion to allow B. Taylor to address the board. Motion seconded by R. Spurrell. Motion carried unanimously (6 – 0). B. Taylor stated the thought do to the fact the commission goes off the recommendation of the Chief after the officers have vetted the applications that approval by the commission isn't really needed, especially when the commission doesn't get any documentation. G. Nickerson stated it's in the agreement, so if approved the agreement would have to be updated. J. Davis stated he also believe the state statutes dictate the same process. Motion by R. Spurrell to not change the inter-municipal agreement. Motion seconded by J. Davis. Motion carried unanimously (6 – 0).

**Fire Chief's Report including update from Kevin with Brew City PC:** AC Wilton summarized there were changes done by Brew City which included updating all the phones and uploading the information on North Prairie's station's server to the cloud. The server at Eagle's station is still being looked at to gain access to see what is on the server and upload to the cloud. J. Davis asked about the cost of the cameras and doors. AC Wilton stated he was just looking for an estimate to see what the cost would be, however with the current financial discussion this will be on hold for a while. AC Wilton stated there were 65 calls for the month of June, and the hours worked/WRS summary sheet is in the board packet again. AC Wilton also stated there might be an issue with the engine on 3352, S. Laabs is checking into it. There will be a few higher invoices next month for items like lights that were replaced on 3391 and 3352. C. Mommaerts asked if the hours worked list was a current state of the department. AC Wilton clarified no that there are people on that list that don't

work at KMFD anymore. C. Mommaerts asked if the board could have a list of current employees included because they were never informed when employees had left before, she would like be better informed of what the current roster looks like. AC Wilton also reported that next month 3 new employees will be presented to the Fire Commission for hiring; two are part time and one is paid-on-call. C. Wood asked what the color coded dots on the report were for. AC Wilton explained red is they are in WRS, yellow is they are close to qualifying for WRS and green is they aren't very close to qualifying for WRS.

**Announcement for closed session per WI State Statute §19.85(1)(c) and (f), for performance evaluation discussions regarding KMFD employees and for discussion regarding an ongoing investigation regarding a personnel matter:** G. Nickerson announced a closed session per WI State Statute §19.85(1)(c) and (f), for performance evaluation discussions regarding KMFD employees and for discussion regarding an ongoing investigation regarding a personnel matter. It was asked why a second announcement is being made. G. Nickerson stated that it is necessary to announce twice.

**Motion to enter closed session:** Motion by G. Nickerson to go into closed session per WI State Statute §19.85(1)(c) and (f), for performance evaluation discussions regarding KMFD employees and for discussion regarding an ongoing investigation regarding a personnel matter. Motion seconded by C. Wood.

**Roll Call Vote:** C. Mommaerts - yes, G. Nickerson - yes, R. Spurrell - yes, G. Planning - yes, C. Wood - yes and J. Davis - yes. Motion carried unanimously (6 – 0).

**Closed session:** Closed session at 7:32 pm.

**Motion to reconvene into open session:** (Motion made in closed, no recording or notes of who made the motion, seconded the motion or the vote.)

**Open session:** Open session at 8:47 pm.

**Discussion/action as necessary (if applicable) regarding investigation of personnel matter:** Motion by G. Nickerson to authorize contacting the attorney for issues discussed in closed. Motion seconded by C. Wood. Motion carried unanimously (6 – 0).

**Adjournment:** Motion by C. Mommaerts to adjourn, second by G. Planning. Motion carried unanimously (6 – 0). President G. Nickerson adjourned the meeting at 8:50 pm.