KETTLE MORAINE FIRE BOARD MEETING MINUTES

Approved

**Call to Order:** President D. Malek called the meeting to order at 6:30 pm on February 23, 2023 at the North Prairie Municipal Building at 130 N. Harrison St.

**Roll Call:** P. Jensen, M. Knight, D. Malek, R. Spurrell, B. James, and E. Westrick were all present, G. Nickerson was excused. Also present was Chief Kugel.

**Pledge of Allegiance:** Pledge of Allegiance was led by D. Malek.

**Announcement for possible closed session per WI Statute 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved (Bliese Claim and Action). Upon conclusion, the Board will reconvene into open session to take any action required to be taken in open session:** D. Malek made an announcement for possible closed session per WI Statute 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved (Bliese Claim and Action). Upon conclusion, the Board will reconvene into open session to take any action required to be taken in open session.

**Citizen comments/concerns:** No public comment.

**Discussion/action to approve minutes from the listed meeting 1/26/20:** Motion by R. Spurrell to approve Jan 26, 2023 meeting minutes as presented. Motion seconded by M. Knight. Motion carried unanimously (6 – 0).

**Discussion/action to approve the financial report and accounts payable 1/27/2023 to 2/23/2023:** Chief Kugel stated the budget still has not been entered into QuickBooks, therefore there is no budget report. R. Spurrell asked what check 1410 to Action Fire & Alarm was for due to it being classified as unbudgeted. Chief Kugel stated that would be for the fire alarm monitoring system but because the budget wasn’t entered yet, it couldn’t be classified that way. A journal entry will be done to correct after the budget is entered. R. Spurrell asked what check 1423 to Matt’s Auto Repair was for.

Chief Kugel stated it was for repairs to 3352 (Eagle station ambulance) to get it to pass DOT inspection. R. Spurrell asked if check 1427 to Siren Services was for the DOT inspections. Chief Kugel clarified it was for the inspections to all the vehicles and repairs that Siren Services was able to perform. R. Spurrell asked if check 1436 was for one or both utilities. Chief Kugel stated it was only for the Eagle station because the district has not received an invoice for North Prairie’s station yet; and the amount was higher than normal because it included some past due that was missed. Motion to approve the accounts payable by P. Jensen. Motion seconded by M. Knight. Motion carried unanimously (6 – 0).

**Discussion/action regarding staffing the KMFD Administrative Assistant position:** P. Jensen asked for an update on the fulltime Administrative Assistant’s status and where the district is at with coverage while the Admin Assistant is out. Chief Kugel stated he does not know the full status of J. Conk. D. Malek stated he talked to J. Conk and she said she is hoping to be back in approximately a week. P. Jensen stated he’s worried about not having a back-up in place for times when someone is out. P. Jensen stated there are companies out there that can help out. R. Spurrell stated he’s disappointed we’re talking about this in February when the temporary help said she would only be able to help the district out until the end of February. P. Jensen said he knows someone that knows QuickBooks and asked if anyone would object to seeing if she’d be willing to help with the budget. R. Spurrell said as far as entering the budget, he will take care of that. R. Spurrell is concerned about the rest of the duties. P. Jensen stated he thought a payroll company would alleviate the district’s problems. R. Spurrell asked what then happens with the Administrative Assistant position when the current staff was hired at 25 hours per week, up from the original 15 hours per week, because that’s what she needed to take the position. P. Jensen made a motion to instruct the Chief to research costs for a payroll service and bring numbers back to the next meeting. Motion seconded by M. Knight. During further discussion R. Spurrell stated this is becoming a knee-jerk, reactive decision because we’re in a predicament instead of researching properly to make an objective decision when it’s not to solve a situation but rather to improve the process. B. James stated he feels this is being approached backwards. He thinks the board should re-evaluate what the Board wants to do with the Administrative Assistant position before trying to decide if payroll should be contracted out. The role of the Administrative Assistant needs to be decided first. P. Jensen asked if that could be done at the same time as his motion. P. Jensen amended his motion to instruct the

Chief to research the costs of a payroll service and to have the board re-evaluate the Administrative Assistant position at the same time. M. Knight amended her seconded. Motion carried 6 – 1 with R. Spurrell against.

**Discussion/action regarding WRS enrollment:** Chief Kugel gave an update that D. Ace, P. Buchholtz and K. Heberer are all now WRS eligible. D. Ace and K. Heberer will be enrolled, P. Buchholtz is opting to not participate because he is already drawing off of WRS and he will fill out the form for WRS. No action taken.

**Discussion/ action regarding invoicing WRS costs:** R. Spurrell asked who set up the payroll for KMFD when KMFD was first started. Chief Kugel stated it was the Town’s Deputy Clerk Cindy Howard. R. Spurrell asked who authorized the Town Deputy Clerk to set up payroll when the KMFB hired an Administrative Assistant. No one answered. R. Spurrell stated that WRS was not set up properly, and with it being a Town employee he drafted an invoice for $4,315.01 he would like the Fire Board to consider submitting to the Town Board. He said this is to cover the costs the KMFD had to pay on the employee’s behalf because the payroll was not set up properly. R. Spurrell further explained the WRS was set up as a percentage of a quantity instead of a percentage of the payroll. R. Spurrell also explained there was a note in the Administrative Assistant’s cubicle to manually change the WRS on K. Hirtz’s payroll every pay period. R. Spurrell expressed a frustration that it has been known this has been wrong since the beginning but no one asked for help on correcting it. D. Malek stated neither he nor the Town Board authorized Cindy to set up the payroll for the Fire District; and she must have done it on her own good will. R. Spurrell stated the Fire Board hired someone for the payroll, and the Town employee was not authorized therefore he felt the Town Board should be given the invoice. Motion by R. Spurrell to present the invoice for WRS related costs of $4,315.01 to the Town of Eagle Board. Motion seconded by E. Westrick. During further discussion D. Malek stated the Town Board would still need to approve paying if the Fire Board votes in favor of the motion. Motion failed 3 – 3 (R. Spurrell, B. James and E. Westrick in favor; M. Knight, P. Jensen and D. Malek opposed).

**Discussion regarding KMFD payroll:** R. Spurrell stated he wanted to just keep the board informed on what he was finding with the payroll. He stated moving forward he thought the payroll would be correct after he fixed the WRS set up and he’ll work with the temporary help when next payroll is entered. R. Spurrell will present actual numbers at a future meeting when has the calculations done, but issues found so far include the full time hourly position not being paid overtime hours properly, an employee not being paid for a fire class, and 4 employees were not given the raises that everyone was supposed to receive. Chief Kugel stated everyone got a $0.50 raise unless they were at the maximum pay rate. R. Spurrell stated two employees reached the maximum pay rate, but 4 employees did not get any raise for the last two pay periods. M. Knight stated she thought R. Spurrell was making a case for going to a payroll service. R. Spurrell said he disagreed because these are all clerical entry errors. To type into a payroll service’s software the same way they were typed into QuickBooks would result in the same pay. B. James stated a payroll service only works if you have a person running payroll, the service doesn’t eliminate entry errors only processing errors. No action taken.

**Discussion/action Possible Sale of 3376 Heavy Rescue:** Chief Kugel said he left this on the agenda from last month. Chief Kugel stated they are still working on it. General discussion talked about putting the vehicle on Wisconsin surplus with a reserve. B. James suggested using the lowest comp price that recently sold as a reserve. P. Jensen thought a

$20,000 reserve would be reasonable. Motion by P. Jensen to put 3376 on WI Surplus auction site with a $20,000 reserve. Motion seconded by M. Knight. D. Malek stated the monies from the sale would be split between the Town of Eagle and the Village of Eagle because they were the municipalities that originally purchased the vehicle. Motion carried unanimously (6 – 0).

**Discussion/ action Station 33 Generator:** Chief Kugel stated the generator is inoperable due to the distributor is no longer available. The service company is still trying to get the part. Chief Kugel stated if the generator can’t be fixed we’ll need to do something because there is no back up power at the North Prairie station and the department will need some kind of power to be able to dispatch vehicles. No action taken.

**Discussion/action Approval of Evaluation Forms:** R. Spurrell asked for clarification on what evaluation forms the Board was looking to approve because the Board’s evaluation form was already approved. R. Spurrell stated for the peer feedback form the thought the questions were ok but suggested adding a question asking if the Chief adds to the moral and betterment of the department. Motion by P. Jensen to approve the peer feedback form with the addition of the moral question. Motion seconded by B. James. During further discussion it was discussed how the form will be distributed and collected. Motion carried unanimously (6 – 0).

**Discussion/action Fire Chief’s evaluation:** B. James stated the peer feedback form could be done at no charge if done thru Google forms. B. James further stated he has done this type of survey at work thru Google forms and is familiar with the process. It was discussed who should fill out the forms. P. Jensen said the first line officers should be the ones to fill it out. R. Spurrell asked how many total officers there are. Chief Kugel stated there are nine officers. B. James

volunteered to set up the form and send it out to the nine officers after Chief Kugel gives him the list of officers’ emails. No action taken.

**Discussion/ action 2023 Pay Increase for Fire Chief:** Motion by R. Spurrell to table. Motion seconded by B. James. Motion carried unanimously (6 – 0).

P. Jensen asked for unanimous consent to move the Fire Chief’s report to before closed session so if anyone in the audience wanted to hear the report they wouldn’t have to wait in the hallway until the end of closed session. No Board member objected, the Fire Chief report was moved to prior to the closed session.

**Fire Chief report:** Chief Kugel gave a summary of the 54 calls in January, and stated they are already at 88 calls for the year. Chief Kugel said neighboring departments seem to be calling KMFD more often. Chief Kugel reminded everyone the awards banquet was Saturday the 25th at 5:00 pm at Broadlands. Chief Kugel passed on a thank you he received from Mukwonago for the KMFD employees that helped the Mukwonago Dept clean up their vehicles and hoses after Mukwonago’s structure fire to get Mukwonago’s vehicles back in service. Chief Kugel also apologized for not having any FD representation at either the Village of North Prairie or the Village of Eagle for the last several months. He said he cannot attend March’s meetings but with have Deputy Chief A. Rydzik attend North Prairie’s meeting and Assistant Chief

S. Wilton attend Eagle’s meeting.

**Motion for closed session per WI Statute 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved (Bliese Claim and Action). Upon conclusion, the Board will reconvene into open session to take any action required to be taken in open session:** Motion by P. Jensen to go into closed session per WI Statute 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved (Bliese Claim and Action). Upon conclusion, the Board will reconvene into open session to take any action required to be taken in open session. Motion seconded by E. Westrick.

**Roll Call Vote:** P. Jensen - Yes, M. Knight - Yes, D. Malek - Yes, R. Spurrell - abstained, B. James - Yes, E. Westrick – Yes. Motion carried 6 – 0 – 1. (R. Spurrell recused himself from closed session and left the room during closed session.)

**Closed Session:** Closed session at 7:34 pm.

**Motion to reconvene into Open Session:** Motion by P. Jensen to reconvene into open session. Motion seconded by E. Westrick. Motion carried unanimously (5 – 0) (R. Spurrell was not in attendance of closed session.)

**Open Session:** Open session at 7:49 pm. (R. Spurrell rejoined the meeting.)

**Discussion/action on closed session issue:** Motion by P. Jensen to release client/attorney privilege on the legal opinion by K. Gulya and R. Heiden from Von Briesen and Roper issued to the board on September 25, 2021. Motion seconded by

E. Westrick. Vote was 3 – 0 – 3. P. Jensen, D. Malek and E. Westrick in favor. M. Knight, R. Spurrell and B. James abstained. R. Spurrell stated motion doesn’t carry because 3 ayes is not the majority of the 6 members present. P. Jensen stated the abstentions do not count so it would be 3 – 0 and motion would carry. President D. Malek called the motion as motion carried.

**Adjournment:** Motion by P. Jensen to adjourn. Motion seconded by E. Westrick. Motion carried unanimously (6 – 0).

D. Malek adjourned the meeting at 7:51 pm.