Monthly Town Board Meeting – August 16, 2022

Mukwa Town Hall, E8514 Weyauwega Rd., Northport 4 in Attendance

Chairman Curns called the meeting to order at 6:00 p.m. Notification of this meeting was given to the Press on August 5, 2022 and the final agenda was posted in the three designated places on August 12, 2022.

Roll call of Officers: Jim Curns, Chairman – Present; Lee Shaw, Supervisor 1 – Present; Matt Shaw, Supervisor 2 – Present; Sandy Jensen, Treasurer – Present; Jeannette Zielinski, Clerk – Present.

All Meetings/Hearings will adhere to Robert's Rules of Order Pursuant to Town of Mukwa Ordinance 10-05.

Approve: **(a) July 12, 2022 Monthly Town Board Minutes**: Motion was made by Supervisor Manske with a second by Supervisor Shaw to approve the July 12, 2022 Monthly Town Board Meeting Minutes as printed. Motion carried. **(b) July 14th Special Town Board Meeting Minutes:** Motion was made by Supervisor Manske with a second by Supervisor Shaw to approve the July 14th Special Town Board Meeting Minutes as printed. Motion carried. **(c) July 19th Special Town Board Meeting Minutes:** Motion was made by Supervisor Manske with a second by Supervisor Shaw to approve the July 14th Special Town Board Meeting Minutes as printed. Motion carried. **(d) August 4th Special Town Board Meeting Minutes:** Motion was made by Supervisor Manske with a second by Supervisor Shaw to approve the July 14th Special Town Board Meeting Minutes as printed. Motion carried.

Treasurer: **(a) Approve Monthly Treasurer's Report**: Read by Treasurer Jensen. Motion was made by Supervisor Manske and seconded by Supervisor Shaw to accept the July 31, 2022 Treasurer's Report as read & printed. Motion carried.; **(b) Read: Ordinance 1-2022 Retention of Nominal Overpayments – Absent Demand:** Chairman Curns read Ordinance 1-2022 in its entirety. Code of Ordinance legal notices have been sent to the newspaper & the Ordinance will be Adopted at the September 13, 2022 Monthly Town Board Meeting. **(c) Cancel Treasurer Phone Number 982.9804:** Discussion on need & cost of phone line, which has been about $800 per year. Noted that most residents didn't know that the Treasurer had a separate phone number & the 982.9890 number is listed in the phone book. Motion to disconnect & cancel the 982.9804 phone number was made by Supervisor Manske with a second to the motion made by Supervisor Shaw. Motion carried.

Budget/Vouchers: Approval & Payment of Vouchers: **(a) Move Necessary Funds: (1) Local Orders Account ($70.07):** Motion to move $500 from the Contingency Fund into the Local Orders Account was made by Chairman Curns with a second to the motion made by Supervisor Manske. Motion carried. **(2) Move Necessary Funds into Town Hall/Garages Heat Account ($28.12):** Motion to move $500 from the Contingency Fund into the Town Hall/ Garages Heat Account was made by Chairman Curns with a second to the motion made by Supervisor Manske. Motion carried. **(3) Move Necessary Funds into Town Hall/Garages Electric Account ($2.63):** Motion to move $300 from the Contingency Fund into the Town Hall/ Garages Electric Account was made by Chairman Curns with a second to the motion made by Supervisor Manske. Motion carried.
(b) Approval & Payment of Vouchers: Motion was made by Chairman Curns to approve payment of Vouchers 28886 through 28930, dated July 13, 2022 through August 16, 2022, & Direct Withdrawals of Social Security, Medicare & Federal Tax of $1,253.82; the July 22nd We Energies Invoice of $299.86; and ARPA Check #1006 for $14,768.82; for a total of **$50,888.58**. Second to Chairman Curn's motion was made by Supervisor Manske and the motion carried.

Public Forum - Town of Mukwa Residents: Mike Jensen – Ostrander Road asked about ditch mowing.

Animal Control Officer: **(a) Animal Report Forms/Veterinary Invoice/s**: None. **(b) Citation Letter/s**: None

Building Inspector: Report read by Supervisor Shaw. Motion to accept the Building Inspector Report as printed & read was made by Supervisor Shaw & a second to the motion was made by Supervisor Manske. Motion carried.

Disaster Funds: Chairman Curns advised that after checking into what qualified for this fund, the Town did not have enough to qualify. The Town Hall air-conditioning units do not qualify. Clerk Zielinski will contact insurance.

Operator License Approvals: (a)Royalton Station – Rolshell A. Pynenberg: Motion was made by Supervisor Shaw & seconded by Supervisor Manske to approve the issuance of Operator Licenses to Rolshell A. Pynenberg. Motion carried. **(b)Phil's Still – Amy Thompson:** Motion was made by Supervisor Shaw & seconded by Supervisor Manske to approve the issuance of Operator Licenses to Amy Thompson. Motion carried.

Plan Commission: Nothing at this time.

Town Hall : (a) Water Softener: Discussion & review of recommendation by Mike Klatt Plumbing. Motion to accept Mike Klatt proposal IM-1054 from Mike Klatt Plumbing for a Water Right softener plus installation for $2,075 was made by Supervisor Manske with a second to the motion made by Chairman Curns. Aye: 2 No 1 Motion carried. **(b) Ramp:** Ramp needs to be moved as its current placement is causing the septic to freeze & is difficult for snow removal. Motion to hire Pat Sullivan, Shamrock Construction to relocate the current ramp to the proper pitch & replace the roof over the back door for $2,000 was made by Supervisor Manske with a second to the motion made by Chairman Curns. Motion carried.

Adopt – Town of Mukwa Procurement Policy: Clerk Zielinski read the "Procurement Policy" in its entirety. Motion to Adopt Town of Mukwa Procurement Policy was made by Chairman Curns with a second to the motion made by Supervisor Manske. Motion carried.

Procurement Policy

The Town of Mukwa ("Town") hereby adopts this policy ("Policy") governing selection of contractors for Town projects involving the construction, execution, repair, remodeling, or improvement of any public work or building or for the furnishing of materials or supplies ("Public Contract").

1. Adoption of State Standards. Except as otherwise provided by this Policy, the Town shall abide by Wis. Stat. § 60.47 and any other applicable Wisconsin statutes prior to entering into a Public Contract.
2. Procurement Standards Mandated by Federal Law. In addition to complying with the requirements of Section 1, the Town shall use the following standards for contracts for the construction, execution, repair, remodeling or improvement of a public work or building; the furnishing of supplies, materials, or equipment; or services

that require adherence to federal procurement laws. If any federal provision conflicts with state law, the federal requirement shall apply for projects that require adherence to federal law. Where state law is more restrictive than federal law, state law shall apply.

a. The following requirements apply to projects where the total costs exceed the federal simplified acquisition threshold, as defined by 48 CFR § 2.101, which, as of 2022, is $250,000:
    i. The Town shall only select contractors through a full and open competition. All contracts shall be awarded to lowest responsible bidder.
    ii. The Town shall select a contractor based on sealed bids, unless either of the following apply:
        1. The Town Board determines that it may seek proposals for a fixed price or cost-reimbursement contract, and it is not appropriate to use sealed bids. Contracts awarded using proposals must adhere to the following requirements:
            a. The requests for proposals must be publicized and identify all evaluation factors along with their relative importance.
            b. Proposals must be solicited from an adequate number of qualified offerors.
            c. The Town must prepare a written method for conducting technical evaluations of the proposals received and making selections.
            d. The contract must be awarded to the responsible offeror whose proposal is the most advantageous to the Town.
            e. The Town may use competitive proposal procedures for architectural or engineering services where the qualifications are evaluated and the most qualified entity is selected, subject to negotiation of fair and reasonable compensation. Price is not required to be a selection factor for architectural or engineering services. The Town cannot use this method to purchase other types of services through architectural or engineering firms that are a potential source to perform the proposed project.
        2. The Town may use a noncompetitive procurement if one of the following apply:
            a. The contract is for acquisition of property or services, and the aggregate dollar amount does not exceed the self-certified micro-purchase threshold as established below
            b. The item is only available from a single source.
            c. There is a public emergency where the Town cannot delay in awarding the contract.
            d. The federal agency awarding the grant or funds expressly authorized a noncompetitive procurement.
            e. After solicitation of a number of sources, competition is determined inadequate.
    iii. The project shall be publicly advertised and provide bidders sufficient time to respond. For advertising purposes, the Town shall, at a minimum, comply with the requirements of Wis. Stat. § 60.47.
    iv. The Town will develop a clear and accurate description of the technical requirements for the material, product, or service to be procured that does not unduly restrict competition. The specifications will identify all requirements that contractors must fulfill.
    v. Contractors that assist in developing specifications for the project to be bid cannot submit bids.
    vi. Bids shall be opened publicly at the time and place specified by the bid invitation.
    vii. The Town shall only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. In determining if a contractor is responsible, the Town can consider factors such as:
        1. The integrity of the contractor.
        2. The contractor's past performance of contracts or projects.
        3. The financial and technical resources of the contractor.
    viii. Any or all bids may be rejected if there is a sound documented reason.
    ix. The Town shall maintain records, pursuant to its records retention policy, of its procurement history involving the use of federal funds. These records will include:
        1. The Town's rationale for the procurement method used.
        2. How the Town selected the contract and contractor.
        3. Records indicating the basis for a contract price.
    x. The Town shall avoid acquisition of unnecessary or duplicative items.
    xi. The following bonding requirements shall apply to construction or facility improvement contracts:
        1. Each bidder must submit a bid guarantee equal to five percent of the total bid price.
        2. The selected contractor must submit a performance bond for 100 percent of the contract price
        3. The selected contractor must submit a payment bond for 100 percent of the contract price.
    xii. The Town shall perform a cost or price analysis in connection with every procurement. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation but shall include making independent estimates before receiving bids or proposals.

xiii. The Town's strong preference shall be to select contractors that do not use estimated costs in their bids. However, the Town may accept time and materials type contracts (defined a contract whose cost to the Town is the total of the actual cost of materials and the direct labor hours charged at fixed hourly rates) only if it determines that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

b. The Town shall competitively bid projects in conformance with Section 1 of this Policy for projects involving the use of federal funds where the total project costs are greater than the town's self-certified micro-purchase threshold, but less than the federal simplified acquisition threshold.
c. In accordance with 2 CFR § 200.320(a)(1)(iv)(C), the Town self-certifies that its micro-purchase threshold shall be $25,000. The self-certification is based on Wis. Stat. § 60.47, which only requires towns to competitively bid public works contracts in excess of $25,000.
d. The following requirements apply to projects involving the use of federal funds where the total project costs do not exceed the Town's self-certified micro-purchase threshold, which, as of 2022, is $25,000.
    i. The Town shall follow Section 1 of this Policy.
    ii. If no bid is required, the Town may enter into a contract if, based on research, experience, purchase history or other information, the price is reasonable.
    iii. The Town shall review its self-certified micro-purchase threshold annually after the effective date of this Policy. If Wisconsin's bidding laws have not changed and the Town has not taken any formal action to revise its self-certified micro-purchase threshold, the Town will have been deemed to have self-certified the micro-purchase threshold used from the previous year.
e. The Town shall take the following steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible:
    i. Placing qualified small and minority businesses and women's business enterprises on any solicitation lists;
    ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
    iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
    iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
    v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
    vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (i) through (v) of this subsection.
f. When required by federal law, the Town should, to the greatest extent practicable provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.
g. The Town shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; and procuring solid waste management services in a manner that maximizes energy and resource recovery.
h. The Town shall negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's record of past performance, and industry profit rates in the surrounding geographical area for similar work.
i. Every contract executed by the Town shall include all provisions required by 2 CFR § 200.327 and 2 CFR Part 200, Appendix II.

The above and foregoing Procurement Policy was adopted by the Town Board of the Town of Mukwa, Waupaca County, Wisconsin, at the Monthly Town Board Meeting held on the **16th** day of **August, 2022** and shall take effect and be in force effective immediately upon passage.

Aye: **3**
No: **0**

/s/Chairman, Jim Curns
/s/Supervisor #1, Lee Shaw
/s/Supervisor #2, Matt Manske

I hereby certify that this is a true copy of the Town of Mukwa Procurement Policy passed by the Town Board of the Town of Mukwa, on the 16th day of August, 2022

/s/Jeannette Zielinski, Municipal Clerk

Posted: August 17, 2022
Mukwa Town Hall
Bean City Bar & Grill
Northport Convenience Center

Roads: **(a) Monthly Report:** County Highway is patching roads.

(b) Equipment-Report/Repairs/Purchases Needed: (1) Sterling & Grader Sale- Update: Decision to not sell the grader at this time but need to repair the 4WD. Motion to take the grader in to the John Deere dealer for repairs was made by Supervisor Manske with a second to the motion made by Supervisor Shaw. Motion carried. Discussion on opening an account at Aring for equipment repairs. Motion to open an account with Aring Equipment, Butler WI with a $10,000 line of credit was made by Supervisor Manske with a second to the motion made by Chairman Curns. Motion carried. **(2)Wheel Loader – Tires:** Motion to buy Goodyear Radial AS3A tires from Shierl Tire, Stevens Point for $2,331/tire, not including installation, note onsite installation for approximately $1,000 and to sell the old tires was made by Supervisor Manske with a second to the motion made by Supervisor Shaw. Motion carried.

(c) 2022 Road Construction Projects – Follow-up: Larry Road project almost complete. Started work on Jennings & Dey. Reshape 400 feet of ditch.

(d) Culverts Cut-Off & Jennings – Motion Designating which Funds Used for Payment: Motion to accept the County Highway Department quote for replacement of Jennings Road culvert was made by Supervisor Manske with a second to the motion made by Supervisor Shaw. Motion carried. Motion to authorize payment of Cut-Off & Jennings Roads culverts invoices with ARPA funds was made by Supervisor Manske with a second to the motion made by Supervisor Shaw. Motion carried.

(e) Shaw Road: **(1) Tree Trimming**; **(2) Right-of-Way Staking:** Discussion on use of wheel loader for tree trimming. County Highway doesn't have availability for staking at this time.

Meetings/Training/Waupaca County Zoning Hearings: **Attended:** (b) July 26th @ 9:30 a.m. Waupaca County Zoning Public Hearing for Mr. Eick on Little Chicago Lane, Courthouse

Upcoming: (a) August 17th @ 4:30 p.m. – City of New London/NLFD – Contract Renewal Meeting to be held at the City Municipal Building; (b) August 18th @ 5:30 p.m. Waupaca County Towns Association Quarterly Meeting held at the County Highway Department/Zoom; (c) Wisconsin Towns Association Annual Convention – October 9th – 11th to be held in Appleton.

Correspondence Received:

Motion to adjourn was made by Chairman Curns. Second made by Supervisor Manske. Motion carried.

Respectfully Submitted,

Jeannette Zielinski, Municipal Clerk