

Village of Fall Creek
Minutes of Regular Village Board
July 11, 2022

1. **Call to Order:** 6:00 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Village President Tim Raap, Trustees Ryan Aylesworth, Chester Goodman, Karen Herbison, Karen Hurd, Matt Mattoon. Members Absent: Trustee Sheena Kaatz. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: 9 citizens.
3. **Pledge of Allegiance**
4. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and the agenda was posted at the three public places and local newspapers were notified.
5. **Adopt Agenda:**
 - MOTION (Mattoon/Goodman) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:** Charles Kuehn, 297 Jackson Ave, reminded the Board about the extension granted to him at the 1/10/22 meeting, which allowed him 6 months to comply with the Village hard-surface parking regulation. He stated he was pleased the parking ordinance was again on the agenda, but that he may need to request another extension depending on the outcome of tonight's meeting.
7. **Approval of Minutes:**
 - MOTION (Mattoon/Hurd) to approve the 6/13/22 Regular Board, 7/6/22 Plan Commission, 7/6/22 Finance, Personnel & Economic Development Committee, and 7/6/22 Public Works, Public Safety & Property Committee meeting minutes. PASSED, without negative vote.
8. **Financial Report:**
 - MOTION (Goodman/Herbison) to approve the 6/30/22 Budget Comparison Report. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.
9. **Approval of Bills:** Clerk-Treasurer Renee Roemhild listed two last-minute bills she would like the Board to consider for approval as part of the Invoice Listing.
 - MOTION (Mattoon/Hurd) to accept the Invoice Listing and Payroll Pay Summary Reports of 6/14/22-7/11/22, with the additions requested. PASSED, roll call vote: Herbison-yes, Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes.
10. **Report of Village Administrator:** Administrator/Public Works Director Jared McKee gave his monthly report highlighting the departmental duties accomplished since the last regular board meeting.
11. **Committee Report**
 - A. **Pond Related Updates:** This was postponed until later in the meeting.
 - B. **Plan Commission:** Plan Commission Chairperson Tim Raap stated there are some Zoning ordinance amendments they have been working on and pointed to the 7/6/22 meeting minutes as a summary of what's being considered. He stated there will be another meeting for more discussion on this and to begin work on updates to the Village's Comprehensive Plan, so if anyone is interested in those items, they should keep an eye out for the upcoming *Meeting Notices*.
 - C. **Finance, Personnel & Economic Development:** Will be covered later in the meeting under agenda items.
 - D. **Public Works, Public Safety & Property:** Will be covered later in the meeting under agenda items.
12. **Unfinished Business**

A. 2nd Reading & Possible Adoption to Amend Ordinance of Title 10 Motor Vehicle and Traffic, Amending and Repealing Sections of Chapter 227 Streets and Sidewalks, Chapter 245 Abandoned and Inoperable Vehicles, Chapter 249 Vehicles and Traffic: Administrator Jared McKee reviewed the proposed amendments. In addition, regarding hard-surface parking, McKee stated the original requirements were left in place, but an exception was added for a residential lot with a residential structure to allow for parking in the backyard of up to two devices not on a hard-surface, as long as the grass is mowed, the devices do not leak fluid, they are parked at least 10 feet from the property line and kept in working order. McKee talked about the definitions of side yard, versus back yard.

- MOTION (Hurd/Herbison) to accept the second reading with the amendments as described by Administrator McKee. PASSED, roll call vote: Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes.

Charles Kuehn had specific questions about his devices and how many he could have in the back yard on an unpaved area. The Board explained the ordinance will allow for two.

13. New Business

A. Downtown Business District Sign Permit Application for 102/104 E Lincoln Ave: President Tim Raap reported on the Plan Commission's recommendation for approval.

- MOTION (Mattoon/Herbison) to approve the sign permit for 102/104 E Lincoln Ave. PASSED, without negative vote.

B. Downtown Business District Sign Permit Application for 155 E Lincoln Ave: Raap reported on the Plan Commission's recommendation for approval. McKee stated the applicant came in the day after the Plan Commission meeting and requested an amendment to his application to add a 3' x 5' sign with a plexiglass covering to advertise specials, as he had before. McKee said this is the same type of sign that was just approved for 102/104 E Lincoln Ave. and questioned if the Board felt comfortable adding that to this request, or if they wanted that to go before the Plan Commission first.

- MOTION (Hurd/Herbison) to approve the application for 155 E Lincoln for both signs: the "saloon" sign and the sign for advertisements. PASSED, without negative vote.

C. Bird/Duck Boxes: Community Relations, Recreation & Health Committee Chairperson Karen Hurd reported on the committee's recommendation.

- MOTION (Hurd/Herbison) approving the recommendation to accept the donation of 2 bird and 2 duck boxes, with Beaver Creek helping find the best location along the shoreline. PASSED, without negative vote.

D. Bids for Seal Coating: McKee reported this was put in our budget for 2022. Fahrner Asphalt is the responsive bidder. It was a two-part bid to give prices for both crack seal and GSB88 slurry seal. McKee stated we also had other identified projects for 2022: to chip seal Water Tower Road and potentially another street, depending on what the bids came in as. McKee said it is best to do Water Tower Road in conjunction with the Town of Lincoln, and they have decided to not do it this year.

- MOTION (Mattoon/Aylesworth) to accept the bid of Fahrner Asphalt for GSB88 slurry seal for a total of \$27,000 for Adams, Jackson, & Brickyard Avenues. PASSED, roll call vote: Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes.

E. Quotes for Patching Parking Lot (and Various Street Patches): McKee reported on getting a preliminary quote for repaving the Village Hall parking lot at a cost of \$108,000. McKee stated some other options are the Village crew patching the parking

lot or contracting out for wedge-patching that is a stronger solution that may extend the life of the parking lot by a couple years.

- MOTION (Aylesworth/Mattoon) to approve the bids from Senn Blacktop for patching the Village Hall parking lot for \$12,795 and for patching three cuts from water main breaks last year (on Washington, Tyler, and Truman) for \$11,295. PASSED, roll call vote: Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes.

F. Bartender Operator License Applications:

- MOTION (Goodman/Hurd) to grant bartender operator licenses for the remainder of the 2022/2023 license year to Julia Alger and Margaret Denny. PASSED, without negative vote.

The Board returned back to 11.A. Committee Reports.

- A. Pond Related Updates:** Hurd reported that last year they talked with the DNR about getting areas of the pond dredged to make deeper fishing holes which will improve the fishery. The DNR offered that if we could provide bathometric maps, they could come up with recommendations as to the best places for us to dredge. Ryan Aylesworth has now completed the maps and they have been submitted to the DNR. A message was read from Dane Zook encouraging continued adherence to the Lake Management Plan. Aylesworth said the first thing is dig out some deeper areas and create eddies in the pond. Hurd will attend a DNR Surface Water Grant Seminar and talk with Eau Claire County to seek funding assistance. The algae problem was discussed. Luther Strasburg offered to donate funds for the purchase and installation of a Otterbine Aerating Fountain in hopes of helping the algae problem, and feeling it would also create a pleasing aesthetic entrance to the Village. The Board thanked him for his very generous offer and will have it on the next agenda to accept the donation. McKee explained the purpose of the weed harvester is to cut the vegetation that holds the algae to the ground so that the algae can then flow down the creek. If there isn't enough flow, the harvester just stirs up the vegetation and it sits on top. McKee stated an aerator should decrease the algae in the vicinity of the fountain.

Raap stated agenda items 13.G. & H. will be combined with agenda items 14.G.& H.

13.G. Move to Convene in Closed Session Per Wis. Stat. 19.85(1)(e) Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session TIF Strategies. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business.

14.H. Move to Convene in Closed Session Per Wis. Stat. 19.85(1)(g) 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 is Likely to Become Involved. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business.

- MOTION (Goodman/Herbison) @ 7:20 p.m. to move into closed session per 19.85(1)(e) and 19.85(1)(g) and to invite Jordan Yule and Brandie into the closed session. PASSED, roll call vote: Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes, Mattoon-yes.

13.H. & 14.I. Move to Return to Open Session and Action, if Any, on Matters Discussed in Closed Session:

- MOTION (Herbison/Hurd) @ 8:06 p.m. PASSED, roll call vote: Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes, Mattoon-yes, Raap-yes.

- MOTION (Herbison/Mattoon) to give Administrator McKee direction to pursue a developer's agreement on a parcel of land in the Industrial Park and a first right of refusal on a second parcel in the Industrial Park. PASSED, without negative vote.
- MOTION (Hurd/Herbison) to authorize Administrator McKee work with Ayres & Associates on platting and engineering for a road in the TIF District. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.
- MOTION (Goodman/Aylesworth) to give Administrator McKee direction to contact legal counsel regarding nuisance property. PASSED, roll call vote: Herbison-yes, Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes.

14. Committee Recommendations

- A. Application to Public Service Commission of WI for Water Rate Increase:** Raap reported on the discussion at the Finance Committee meeting. McKee reported on the Public Fire Protection options and on the costs for the capital equipment.
- MOTION (Mattoon/Goodman) to approve RESOLUTION #2022-0711A authorizing the submittal of the water rate increase application. PASSED, roll call vote: Hurd-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes.
- B. Rental Fees for Village Hall and Park Pavilions:** McKee reported on the survey of rental fees of area communities and the recommendations from the Finance Committee to leave the rental fees as they are, but to increase the Hall refundable cleanup deposit to \$50 and decrease the Park Kitchen refundable cleanup deposit to \$150.
- MOTION (Herbison/Mattoon) to approve the changes as recommended by the committee. PASSED, without negative vote.
- C. 1st Reading of Ordinance Amendment §118-2.B. Building Code, Building Permit Fees:**
- MOTION (Goodman/Hurd) to hold the first reading of the above amendment. Amendment basically removes the fees from the ordinance and references a fee schedule instead. PASSED, with one negative vote.
- D. Building Code Schedule of Permit Fees:**
- MOTION (Goodman/Aylesworth) to approve the fee schedule. PASSED, with one negative vote.
- E. Amendments to Title 2 regarding §2.3.1 Appointed Officials, Boards & Committees and §2.4.3. Plan Commission:**
- MOTION (Hurd/Herbison) to approve the first reading of ordinance amendments for §2.3.1 and 2.4.3. PASSED, without negative vote.
- F. Security Cameras at Municipal Properties:** Discussion took place on security cameras. McKee stated he had one quote but expected another tomorrow. There were questions on the quote and the Board decided to wait with a decision.
- MOTION (Herbison/Aylesworth) to table until the next meeting. PASSED, without negative vote.
- G. Consider Retaining Attorney for Investigation of Ordinance Compliance:**
Addressed in above closed session per 19.85(1)(g).

15. Possible Assignment to Committee: None.

16. Adjournment: @ 8:39 p.m.

Renee Roemhild, Clerk-Treasurer