

Village of Fall Creek
Minutes of Regular Village Board Meeting
September 12, 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 Karen Herbison, Karen Hurd, Sheena Kaatz, Matt Mattoon. Members Absent: Ryan Aylesworth, Chester Goodman. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: 6 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/Herbison) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:** Trustee Sheena Kaatz relayed a citizen question about fencing.
7. **Approval of Minutes:**
 - MOTION (Hurd/Mattoon) to approve the 8/8/22 Regular Board and Inland Lake Annual Meeting, 8/17/22 Special Committee for Downtown Business District, 9/1/22 Finance, Personnel & Economic Development Committee, 9/8/22 Public Hearing & Plan Commission meeting minutes. PASSED, without negative vote.
8. **Financial Report:**
 - MOTION (Mattoon/Kaatz) to approve the 8/31/22 Budget Comparison Report. PASSED, roll call vote: Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes.
9. **Approval of Bills:**
 - MOTION (Mattoon/Hurd) to accept the Invoice Listing and Payroll Pay Summary Reports of 8/9/22-9/12/22. PASSED, roll call vote: Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-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 Reports**
 - A. **Finance, Personnel & Economic Development:** President Tim Raap referred the Board to the committee meeting minutes.
 - B. **Plan Commission:** Raap stated there will be items coming up in later in the meeting from recommendations from the Plan Commission meeting.
Trustee Karen Hurd reported Xcel Energy installed the eagle's nest at Keller Park, stating there was good media coverage on it and the community is pretty excited about it.
12. **Unfinished Business:** None.
13. **New Business**
 - A. **Request per Village Code §6.1.5 for a Variance on the Number of Allowable Dogs:**
Applicants David and Andrea Schwemmer addressed the Board stating they would like to purchase a home on Lincoln Avenue but do not want to part with any of their 4 dogs as they are very attached to them. The dogs are well cared for and well behaved. David and Andrea plan on constructing a fence in part of the yard for when the animals are outside. President Raap reported on past variances that had been granted and the reasons. Board discussion took place that if a variance is granted and a nuisance situation develops in the future, the variance could be re-evaluated at that time.
 - MOTION (Kaatz/Hurd) to approve the variance as requested for as long as David and Andrea Schwemmer own the property at 127 W Lincoln Avenue or for the length of time

that their current four dogs are living (whichever is shorter), and with the condition that a fence be constructed or in progress by June of 2023. The Board reserves the right to revoke the variance if there becomes a problem. PASSED, without negative vote.

B. Pay Request for Keller Park Ballfield: Matt Bartow of the Youth Sports Association updated the Board on the progress of the ballfield, stating the project is going very well. The outfield is about 95% complete, the irrigation is going in soon. The infield is progressing well and will have the more red, granular finish to keep the dust down. The old field has been sub cut and will also have the granular finish. Bartow reviewed the items in the pay request, including pointing out how much volunteer work, in-kind donations, and discounts that have already been given, saying there is much community involvement.

- MOTION (Mattoon/Kaatz) to approve the pay request as presented, totaling \$10,788.32. PASSED, roll call vote: Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Herbison-yes.

C. 1st Reading of Amendments to the Zoning Ordinances to:

a) Repeal Chapter 268 Zoning and

b) Amend and Recreate it as Title 16 Zoning (Clerical note: The agenda had a typo – it listed Title 17 Zoning, but the documents the Board reviewed during the meeting listed Title 16 Zoning. The clerical error was only on the number of the Title listed on the agenda, not the content of the amendment.): President Tim Raap reported the proposed changes went to the Plan Commission for review and a public hearing was held, as is required by State Statutes. Raap stated the Plan Commission actually held two public hearings to allow the public more opportunity for comment. Raap stated one of the big changes was to layout the material in table format to make it clearer to read. There has been good response to that change. Raap stated there were also updates to the high-density R1 zoning requirements, basements, adding a zoning district for twin homes, and some updates as recommended by the special committees formed to look at the ordinance. Some inconsistencies were cleared up as well. Administrator McKee reviewed each content change in detail. Discussion took place on basements with Mattoon feeling that some areas should still be required to have basements. McKee reported the review of other municipalities zoning ordinances showed that basements are not required, so it was felt that requirement was a thing of the past.

- MOTION (Hurd/Kaatz) to approve the first readings to repeal and recreate the ordinances related to zoning regulations. PASSED, without negative vote.

D. 1st Reading of Amendments to Ordinances Related to Health & Sanitation to:

a) Repeal Chapter 125 Outdoor Burning, Chapter 148 Health and Sanitation, Chapter 161 Junk Dealers, Chapter 184 Nuisances, Chapter 223 Garbage and Recycling, Chapter 238 Trees, Chapter 256 Weeds, Yards and Lawns; and

b) Amend and Recreate Them as Title 7 Health and Sanitation: McKee reported on the reformatting, combining many chapters into one, and the recommendation from the Downtown Business District Special Committee that there be defined regulations, both in the downtown district and elsewhere, regarding the placement and removal after pickup of garbage cans.

- MOTION (Hurd/Mattoon) to approve the first readings to repeal and recreate the ordinances related to zoning regulations. PASSED, without negative vote.

E. Bartender Operator License Applications:

- MOTION (Mattoon/Herbison) to grant bartender operator licenses for the remainder of the 2022/2023 license year to Kylie Aldrich, Aliyah Daniels, Eric Bluem, Jana Haynes, Kellen Haynes, Carol Lien, Sharidan Morrow, Matthew Nall. PASSED, without negative vote.

F. Appointments: No action at this time.

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. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business.

- MOTION (Kaatz/Goodman) @ 7:19 p.m. to move into closed session per 19.85(1)(e) as listed above. PASSED, roll call vote: Kaatz-yes, Mattoon-yes, Raap-yes, Herbison-yes, Hurd-yes.

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

- MOTION (Raap/Kaatz) @ 7:42 p.m. PASSED, roll call vote: Mattoon-yes, Raap-yes, Herbison-yes, Hurd-yes, Kaatz-yes.

14. Committee Recommendations

A. Consider Purchase and Sale Agreement, Real Estate Option Agreement, and Development Agreement:

- MOTION (Kaatz/Mattoon) to approve the three agreements as discussed in closed session; Purchase and Sale Agreement, Real Estate Option Agreement, and Development Agreement. PASSED, roll call vote: Raap-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes.

15. Possible Assignment to Committee

- A. Broadband Research and Funding Opportunities:** President Raap stated he felt the topic belonged under the Finance, Personnel & Economic Development committee as getting broadband would have an impact on economic development. Raap stated he recognized that Trustee Hurd initially asked for the issue to be sent to her committee, and has begun some work on it, but asked if the Board concurred that the topic is more relevant to finance and economic development. Receiving no negative response, Raap assigned the topic to the Finance, Personnel & Economic Development Committee.

16. Adjournment: @ 7:46 p.m.

Renee Roemhild, Clerk-Treasurer