

*Village of Fall Creek*  
*Minutes of Regular Village Board Meeting*  
*September 13, 2021*

1. **Call to Order:** 6:35 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Village President Tim Raap, Trustees Ben Burch, Karen Herbison, Karen Hurd, Sheena Kaatz, Matt Mattoon, Karen Strasburg. Members Absent: None. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: 12 citizens.
3. **Pledge of Allegiance**
4. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and an agenda was posted at the three public places and local newspapers were notified.
5. **Adopt Agenda:**
  - MOTION (Mattoon/Kaatz) to adopt the agenda. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:**
  - A. **Fall Creek Pond Preservation Team Report:** Ryan Aylesworth thanked the public works crew for cleaning the sediment trap and cleaning the weeds out of the pond, talked about the preapplication for a grant for dredging the pond, and talked about work to repair the buffer (trees and grasses around the edge of the pond) to help absorb nutrients before rainwater carries them into the pond.
  - B. **Other:**
    - Richard Ziemann, 543 S. State St, made comments about working together; urged the Board to not install a pet waste bag system in Keller Park as it would change the image of the park and would, in essence, remove responsibility from the dog owner; and urged the Board not to sell the Village lot on Blossom St because the area may be needed for better driveway access in the future.
    - Eddy Herbison, 439 S Victory, commented on the recent cleaning up of the property at the corner of Lincoln and State, feeling it would be a good location for a café.
    - Two members in the audience thanked Trustee Karen Strasburg for all she does for the Village.
    - Letter was read regarding the Fall Merchant Festival which will be Saturday Oct 9<sup>th</sup>.
7. **Approval of Minutes:**
  - MOTION (Mattoon/\_\_\_\_\_) to approve the 8/9/21 Regular Board, 8/23/21 Plan Commission, 8/23/21 Special Village Board, and 8/31/21 Community Relations, Recreation, & Health Committee meeting minutes.
    - MOTION (Herbison/Hurd) to amend Mattoon’s motion to allow approval of each meeting’s minutes individually. PASSED, voice vote with Mattoon voting no.
  - MOTION (Herbison/Kaatz) to approve the 8/9/21 Regular Board meeting minutes. PASSED, without negative vote.
  - MOTION (Kaatz/Herbison) to approve the 8/23/21 Plan Commission meeting minutes. PASSED, without negative vote.
  - MOTION (Kaatz/Mattoon) to approve the 8/23/21 Special Village Board meeting minutes.
    - MOTION (Hurd/Herbison) to amend the 8/23/21 Special Village Board minutes beginning at the top of page one after the agenda heading for item #4.H., to strike all text up until the point where the motion was made by Herbison and Kaatz on page seven, and to instead say “Discussion was conducted on the agenda items.”

Hurd said she would like to explain why she made the motion and stated the August meeting should have been held in closed session and she felt things were written in the minutes that were damaging to the reputations of everyone on the board. Hurd felt amending the minutes in this way was a chance to rectify that. Herbison stated that then

the Board could move past this, with Hurd commenting that then we can move on. Raap stated that when the question was brought before the League of Wisconsin Municipalities last year about whether discussion coordinating within the Village Board members should be handled in closed session, the answer had been that it was not appropriate. Raap said he was stating that information now to give note of previous professional guidance that was given to the Board. Mattoon asked for clarification, stating that apparently Hurd or Herbison had a problem with what was recorded. Herbison replied yes. Mattoon replied that what was recorded in the minutes is what happened. Raap explained Hurd's request to Mattoon as that he thought she was asking for a clean sheet. Hurd responded yes. Mattoon again asked for clarification to confirm that was what Hurd was asking. The response was yes. Kaatz asked if there was a specific part that Hurd was objecting to. Kaatz said that to her, the minutes were not damaging but the articles in the area newspapers and having people from outside the Village come to the meeting via the internet invitation was damaging to the Board and the Village's reputation. Hurd stated she felt there were specific things written that were biased; she didn't want to bring up those things line by line because she felt that should be done in closed session. Hurd said she did not want to review the meeting in closed session but rather wanted the board to move past this and move on. McKee had a procedural question, asking if the minutes have to record what happened. Hurd stated she has read Roberts Rules of Order and it is up the approving body to say what they want in the minutes. Hurd stated she would like to see this laid to rest. Strasburg said it's really sad it started in the first place. Mattoon stated that he felt it hard to extend grace for a clean slate when it was asked by saying the minutes were biased. Herbison and Hurd both remarked the minutes could be biased either way. Mattoon stated to Hurd and Herbison that there was a fair amount of work done on the minutes and when he read the minutes, he felt they stated what had happened. Kaatz asked for clarification on the "line by line" statement, and Hurd replied that she did not want that done. Clarification was asked about leaving in the citizen input. Hurd said she was fine with striking that too, but felt motions must be kept in. Herbison stated she was fine with the citizen input. Kaatz stated that the citizen input was based on the discussion that happened, that was being requested to strike. Strasburg stated she felt it important the public be able to know what happened in order to clear up some misconceptions. Raap called for a roll call vote of the amended motion.

PASSED: Herbison-yes, Hurd-yes, Kaatz-no, Mattoon-no, Raap-yes, Strasburg-no, Burch-yes.

- MOTION (Mattoon/Burch) to approve the 8/31/21 Community Relations, Recreation & Health Committee meeting minutes. PASSED, without negative vote.

#### **8. Financial Report:**

- MOTION (Mattoon/Kaatz) to approve the 8/31/21 Budget Comparison Report. PASSED, roll call vote: Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes.

#### **9. Approval of Bills:**

- MOTION (Mattoon/Strasburg) to accept the Check Register Report for payment of bills #26102-26139, ACH 21013-21022, PYRL 8/10 – 9/13. PASSED, roll call vote: Kaatz-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes.

#### **10. Report of Village Administrator**

- A. Monthly Report:** Administrator/Public Works Director Jared McKee gave his monthly report highlighting departmental duties accomplished since the last regular board meeting.
- B. Update on Raether Property:** McKee stated as it is important to handle consideration of purchasing property in closed session so as to not hamper negotiation strategies, some of

the discussions regarding the Board’s decision to purchase the Raether property has not been recorded in open session yet, so McKee said he would briefly give a condensed version of the purchase details and the points discussed by the Board in their decision-making process. The purchase price was negotiated down to \$625,000 to include approximately 80 acres, the house, and the farm buildings. McKee stated since the purchase last year, there have been discussions with a couple different developers; those discussions are ongoing. When considering the purchase, one of the things the Board looked at was the unavailability of developable property on the sales market for many years. Over those years, the Village has received requests from citizens wishing to move into the Village and finding it difficult with few residential properties for sale. When the Raether property went up for sale, the Board saw it as an opportunity to encourage economic development, while giving the Village more decision-making power regarding the street layout and development details. McKee gave a brief summary of the revenue that would be generated by additional residential development.

<u>Homes</u>	<u>Property taxes</u>	<u>Water Revenue</u>	<u>Sewer Revenue</u>
If increase by 20	Add'l \$23,000	Add'l \$8,000	Add'l \$12,000
If increase by 40	Add'l \$47,000	Add'l \$16,000	Add'l \$24,000
If increase by 80	Add'l \$94,000	Add'l \$32,000	Add'l \$48,000
If increase by 160	Add'l \$188,000	Add'l \$64,000	Add'l \$96,000

McKee stated that adding additional homes would increase operational costs some, but much of the capital costs borne by the Village are fixed, so having addition residents to help share in those costs would be beneficial to all the residents of the Village, in addition to the increased economics resulting from more residents supporting our local businesses. McKee stated another factor the Board took into consideration was that land is a good investment, in which it is likely to be able to recoup the purchase price at the time the Village sells the land to a developer. Likewise, the Board was very wise to enter into rental agreements for the house and land, in which the Village receives enough revenue to cover the loan interest costs, as well as paying down some of the principal. McKee stated the potential for growth and economic development is there. Acting when the Village did prevented the Village from losing the opportunity, while structuring the finances in the way that was done allows the Village time to make the right decisions for the better of the Village, as the rental income being received more than covers the daily cost of owning the property.

- C. Upcoming Fundraisers/Events re: Use of Village Property:** McKee told of a request that came in for closing the Village parking lot for an event, saying he just wanted to point out that requests such as this have previously gone before the Board for decision. As this type of action falls within his day-to-day duties, he will be handling the request.
- D. Agricultural Land Lease:** Once again, this is one of the items that falls within his duties. Last year, McKee negotiated a contract for the Village to rent out land and receive revenue of \$150/acre, which was above the price received for previous bids. McKee stated he was providing this agenda item as informational purposes, stating he intends to continue on with the current lessee with the same terms, as he has determined that is still a relevant rental price.

**11. Committee Reports**

- A. Community Relations, Recreation & Health:** Raap pointed out there are minutes in the packet regarding the meeting.

**12. Unfinished Business:** None.

**13. New Business**

- A. Wayne Groskopf, FCAFD Proposed Budget:** Wayne Grosskopf approached the Board, stating the 2021 budget saw no increase but because of the number of fires they've been having they are financially running behind, so the 2022 budget includes an increase of \$3,000. Per the way the costs are split between the three municipalities in the District, the equalized value of the municipalities are reviewed each year and the Fire District budget is proportioned accordingly. This past year the Village's equalized value increased more than the townships, so the Village's cost share will increase by about \$3,300 for 2022.
- B. Scott Kennedy and Carol Breslin (owner) Petition Requesting a Conditional Use Permit to Allow a Church at 320 S Wisconsin:**
- MOTION (Mattoon/Herbison) granting a conditional use permit to allow a church at 320 S Wisconsin Street. PASSED, roll call vote: Mattoon-yes, Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes.
- C. Bid Award – Crack Sealing Water Tower Road:** Raap stated this is a road that is shared with the Town of Lincoln. McKee stated that because of that, the Village needs to coordinate this award with the Town of Lincoln's award.
- MOTION (Herbison/Burch) to directing the Administrator/PWD to coordinate our bid award for crack sealing the Village's portion of Water Tower Road with Town of Lincoln, presumably approving the bid from Superior Sealers at a cost of \$6,355 plus the cost of materials. PASSED, roll call vote: Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes.
- D. Bid Award – Inland Lake Cleaning of Sediment Trap:** McKee explained we only received one bid for cleaning the sediment trap. Bid was from A-1 Excavating for \$16.20/ cubic yard for 3,000 yards; total cost of \$48,600.
- MOTION (Strasburg/Mattoon) accepting bid from A-1. PASSED, roll call vote: Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes.
- E. 1<sup>st</sup> Reading of §268-37 Zoning, Permitted Parking Areas:**
- MOTION (Mattoon/Herbison) to hold the first reading to §268-37 Zoning. Amendment clarifies motor vehicle parking in yards. PASSED, without negative vote
- F. 2<sup>nd</sup> Reading & Possible Adoption of Amendment to §195 Parks, Regarding Dogs in Parks:**
- MOTION (Herbison/Strasburg) to hold the second reading and to adopt the above ordinance in its entirety, making it a part of the Code of the Village of Fall Creek. Amendment basically allows dogs in parks when leashed. PASSED, roll call vote Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Strasburg-yes. Board consensus was to not purchase a dog waste bag system, in agreement with Richard Ziemann's citizen comment that it was better to leave that responsibility up to the dog owner.
- G. Alcoholic Beverage Applications - Regular & Temporary:**
- MOTION (Mattoon/Hurd) waiving the required 15-day waiting period and granting a Temporary Class "B" Retailers License for the sale of fermented malt beverages at picnics or similar gatherings from 10/9/21-10/9/21 to the Fall Creek Area Fire District; granting a Combination Class "A" Retailers License for the sale of fermented malt beverages and intoxicating liquor for the remainder of the 2021-2022 licensing year to Evan Anderson of E & K Fall Mart LLC. PASSED, without negative vote.
- H. Cigarette/Tobacco Products License Application:**
- MOTION (Herbison/Kaatz) granting a cigarette/tobacco products license to Evan Anderson of E & K Fall Mart LLC for the remainder of the 2021-2022 licensing year. PASSED, without negative vote.
- I. Bartender Operator License Applications:**
- MOTION (Hurd/Mattoon) granting a bartender/operator license to Margaret Denny for the remainder of the 2021-2022 licensing year. PASSED, without negative vote.

- J. Appointments: Police Chief, Plan Commission:** President Raap appointed Colin Mumford to an indefinite term as police chief.
- MOTION (Mattoon/Hurd) confirming the above appointment. PASSED, without negative vote.
- Plan Commission appointment tabled.
- K. Committee Recommendations:** The Board addressed agenda item 13.K.c. first.
- c. Re: Potential Ballfield Project:** Trustee Ben Burch addressed the Board stating the Fall Creek Youth Sports program has seen an annual growth rate of 8% over the last 7 years, growing by 75% since 2015. The program offers T-ball, softball, and baseball for kids ranging from 4 – 14 years old. They are currently utilizing 3 ball fields (two of which are at the high school) and their program runs over a 7-week period from the first week in May to the 3<sup>rd</sup> week in June. Because of the program’s growth, the association would like to request consideration of another field at Keller Park. Burch said one of the advantages for the Village would be the ability to host double header games. As an example, Burch stated having 2 games on each field four nights a week (16 games a week at Keller Park) would bring in around 640 kids/parents a week, likely providing increased support of local businesses. Also, the increased frequency of people visiting Keller Park will bring awareness of the Village’s recreation options and it would facilitate hosting tournaments on the weekends. Burch presented a diagram showing the proposed site, slightly to the northwest of the current field. There is a dedicated group of people involved in the Youth Sports Program that are willing to “roll up their sleeves” with volunteer work and donated or reduced cost materials. There is some urgency to the project for fear that if the project is delayed by waiting to apply for grant funds, the time that it would take to fill out a time-consuming grant application and wait for the funding cycle may in turn risk losing some of the volunteer time and materials that have already been proposed.
- MOTION (Mattoon/Herbison) to designate Trustee Burch as the point person, authorizing him to move forward in approaching the Lion’s Club and move forward in drawing up the project plans and budget to get this project going. PASSED, without negative vote.
- a. Re: Keeping Chickens in Residential Zoning Districts:** Hurd reported the village survey showed most residents preferred to NOT have backyard chickens.
- MOTION (Kaatz/Herbison) to accept the Committee’s recommendation to follow the results of the survey and NOT change the ordinances to allow for chickens. Motion directed Administrator McKee to post the results on the marquee by the pond, to post on facebook and the Village website. PASSED, without negative vote.
- b. Re: Survey for FC Outdoor Recreation Plan:** McKee went through the proposed survey questions to be asked of the public to ascertain what types of uses and desires the public has for the Village parks. The Board made some comments and changes.
- MOTION (Mattoon/Kaatz) to send the adjusted survey to West Central Wisconsin Regional Planning Commission to prepare the survey for posting online as soon as possible. PASSED, without negative vote.
- L. Possible Assignment to Committee**
- a. Reconsider Possible Request for Purchase of Village Lot on Blossom St:** The board discussed the reasons for their prior motion to not sell the Village lot. No referral made.
- b. Eagle Nest:**
- MOTION (Herbison/Kaatz) to send to Community Relations, Recreation & Health Committee. PASSED, without negative vote.
- c. Newsletter:** The procedure for the newsletter was discussed. No referral was made.
- d. Possible Reception for New Police Chief:** Discussion took place regarding involving all employees.

- MOTION (Mattoon/Kaatz) to refer to Finance, Personnel & Economic Development Committee. PASSED, without negative vote.
  - e. **Business Recruitment:**
    - MOTION (Herbison/Mattoon) to refer to Finance, Personnel & Economic Development Committee. PASSED, without negative vote.
  - f. **Revising Ordinance Chapter 199:**
    - MOTION (Hurd/Mattoon) to refer to Public Works, Safety & Property Committee. PASSED, without negative vote.
  - g. **Revising Ordinance Chapter 268 Zoning:** Raap stated various ideas were brought before the Plan Commission regarding basements, twin homes, etc.
    - MOTION (Mattoon/Kaatz) to refer to the Finance, Personnel & Economic Development Committee. PASSED, without negative vote.
- 14. Adjournment:** @ 9:10 p.m. PASSED, without negative vote.

Renee Roemhild, Clerk-Treasurer