

*Village of Fall Creek*  
*Minutes of Regular Village Board Meeting*  
*April 11, 2022*

1. **Call to Order:** 5:30 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, Karen Strasburg. Members Absent: Trustee Matt Mattoon. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: New Trustee Elects Ryan Aylesworth and Chester Goodman, 9 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 (Kaatz/Burch) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:**
  - A. **Arnie Zimmerman, Trinity Cemetery Sexton, re: Cemetery Road:** Arnie Zimmerman spoke regarding the stormwater runoff creating instability in the road within the cemetery; he was concerned that something needs to be done and asked the Board to take it under consideration.
  - B. **Other:** Dane Zook spoke thanking those who voted, stating he's won another two-year term as Eau Claire County Board Supervisor and offering that if there are any needs to let him know, as he's there to help the people. Village President Tim Raap gave outgoing Trustee Karen Strasburg a plaque, thanking her for 14 years of dedicated service to the community.
7. **Approval of Minutes:**
  - MOTION (Hurd/Herbison) to approve the 3/14/22 Regular Board, 3/21/22 Public Works, Public Safety & Property Committee, 3/29/22 Plan Commission, and 3/31/22 Community Relations, Recreation & Health Committee meeting minutes. PASSED, without negative vote.
8. **Financial Report:**
  - MOTION (Burch/Kaatz) to approve the 3/31/22 Budget Comparison Report. PASSED, roll call vote: Herbison-yes, Hurd-yes, Kaatz-yes, Raap-yes, Strasburg-yes, Burch-yes.
9. **Approval of Bills:**
  - MOTION (Burch/Kaatz) to accept the Invoice Listing and Payroll Pay Summary Reports of 3/15/22-4/11/22. PASSED, roll call vote: Hurd-abstain, Kaatz-yes, Raap-yes, Strasburg-yes, Burch-yes, Herbison-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 and discussed a probable fuel surcharge increase that he expects will be coming from the garbage company. McKee reminded the Board that we are in the middle of a 5-year contract with Waste Management which expires on 6/30/2025. As with any multi-year contract, fee adjustments must be addressed. Basically, the contract allows for two main types of fee adjustments: a fuel surcharge and a yearly inflationary increase. Although the garbage company has not requested a fuel surcharge increase before, McKee said he was notified they will be doing so. As for the inflationary increase, McKee stated we are fortunate to have our contract in place as it caps the inflationary increase to 3%, which is of course much lower than what we've seen this past year.
11. **Committee Reports:** Committee Chairs called attention to the minutes.
12. **Unfinished Business**
  - A. **Raether Development Update:** Raap referred to the January meeting in which the Board agreed to cost share with a developer and complete a conceptual master development plan for the Raether property. He presented a draft map that was the first output of that plan. Raap said the layout includes the types & sizes of lots as listed in the Village's Comprehensive Plan.

There are no high-density units in this plan, only twin-home and single-family lots. McKee talked through some of the main concepts, saying this layout has a mix of lot sizes with many lots bordering stormwater retention areas, which will make the area seem more open. McKee said we want to maximize the marketability. He said the feedback from the Developer was that he is very comfortable building on lots these sizes.

McKee also talked about the economic impact a development like this could have in relation to property taxes and utility revenue. McKee said we've talked about this many times that the levy limits put in place by the State many years ago have made it difficult for the Village to keep up with the inflationary rise in expense costs. The purchasing power of the Village has been decreasing, year by year. The levy limits allow for an increase due to net new construction, so a development like this would help the Village significantly. McKee gave a rough estimate saying 20 homes could increase tax revenue by \$28,000 annually, water revenue by \$8,000 annually, sewer revenue by \$12,000 annually; 90 homes could increase tax revenue by \$126,000 annually, water \$36,000 annually, sewer \$54,000 annually. McKee said last month it was asked what does a residential development do for us? As far as the Sewer Fund, we have to pay for the sewer plant no matter how many customers we have. As long as the facility has capacity to add more homes, which it does, growth brings in additional revenue without an equal increase in expenditures. It's the same for the Water Fund, as it has many fixed capital costs as well. For the General Fund, it is a little less true because part of the increase in property taxes will have to pay for increased public works costs because we've taken on more streets. But in general, residential growth is a way to propel us into the future. McKee said when we talk about why we purchased the property, this is why.

McKee said this plan is very broad strokes, just a preliminary plan. The next step will be to determine "what does this look like, what does the Village want, what kind of agreement can we come to with a developer". McKee said the more restrictive we want to be on the Plan, the more concessions we'd need to make in the Developer's Agreement.

- MOTION (Herbison/Hurd) to refer the draft development plan to committee. PASSED, without negative vote.

**B. Combining or Moving the Zoning Administrator Role Under the Village Administrator:**

Raap reported the Zoning Administrator position has been staffed by a volunteer citizen. Some municipalities have a paid position for zoning issues, which can make some duties regarding enforcement of the Village Code a little easier. Since we have a Village Administrator now, who is very familiar with the Code and who has been a resource many times for the current Zoning Administrator, the thought was to make zoning be part of the Village Administrator's duties. Raap stated when discussing this at the Plan Commission meeting, the idea came to just appoint Jared McKee as the Zoning Administrator rather than reword the Village Administrator's job duties. Raap stated if everyone was ok with that route, he would appoint Jared at agenda item #16 later in the meeting. The Board concurred.

**C. Rate Study with Public Service Commission of WI/Application for Water Rate Increase:**

McKee stated we talked about the need for this at budget time.

- MOTION (Herbison/Kaatz) giving Administrator McKee and Clerk-Treasurer Roemhild the authority to begin a water rate study/rate increase application with the Public Service Commission of Wisconsin. PASSED, without negative vote.

**13. New Business**

**A. Resolution re: Internal Control Policy for Financial Reporting and Annual Financial**

**Statements:** McKee reported on Rural Development's review of our 2020 year-end financial statements.

- MOTION (Hurd/Herbison) to adopt RESOLUTION #2022-0411A regarding Single-Source Audit Findings. PASSED, roll call vote: Kaatz-yes, Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes.
- B. Petition to Rezone Properties (Tax ID# 127-2306-01-000, #127-2311-01-000 & 127-2310-03-000) on Water Tower Road from Urban Transitional (UTD) to Single Family Residential District (R1):** Raap reported the Plan Commission recommended approval of the request.
- MOTION (Burch/Herbison) to grant Ivan Sackett’s request to rezone Tax ID #127-2036-01-000, 127-2311-01-000 & 127-2310-03-000 from UTD to R1. PASSED, without negative vote.
- C. Petition to Amend the Code of the Village of Fall Creek, Chapter 268 Zoning, Section 23.1.A.(3) to Add (d) Owner-Occupied Main Floor Living of the Part of the Building that is Not Being Utilized as Office Space:** Trustee Karen Hurd recused herself from the Board and sat in the audience, as she is the petitioner. Raap reported this went the Plan Commission. They had some concerns so they recommended denying the petition at this time and forming a sub-committee to look at things like: if there should be specific standards set (such as the establishing a percentage of the building that could be residential), would allowing main floor living draw in business, would this be good for the Downtown Business District?
- MOTION (Strasburg/Burch) to comply with the Plan Commission’s recommendation to deny the request at this time and to establish a committee to research the concept as requested by the Plan Commission. PASSED, with all voting yes except Herbison who voted no.
- Karen Hurd returned to her chair on the Board.
- D. 2<sup>nd</sup> Reading to Amend Ordinance Article 2.2.7 (A) Regular Meeting Regarding Time of Meeting:**
- MOTION (Herbison/Kaatz) to hold the second reading of the above ordinance, amending the reading to set the meeting time at 6:00 p.m., and to adopt the ordinance in its entirety, making it a part of the Code of the Village of Fall Creek. PASSED, roll call vote: Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes.
- E. 1<sup>st</sup> Reading to Amend Ordinance Title 2 to Reduce Size of Certain Standing Committees, Remove President from Some Committees as Member:** Raap stated when the Board changed the standing committees about a year ago, going from six standing committees down to three, it created a situation in which committee meetings consisted of five of the seven board members, possibly making the other two board members feel like decisions were being formulated before the subject came before the Board. As the Finance Committee has always been a committee with more members due to the nature of that committee, the idea came to reduce the other two committees to three members. That would mean the Village President would only sit on one standing committee, rather than all three, and each Trustee would have two slots to fill when recognizing the slots on the Plan Commission and Library Board. It should make for a more balanced representation within the appointments and allow all members to feel that final decisions are not being made prior to the Board discussing subjects as a whole. Raap stated another amendment to Title 2 was to include Board salaries as previously listed in the ordinance before it was remade into Title 2, and to list a term for the Library Board appointment.
- MOTION (Hurd/Herbison) to hold the first reading of amendments to Title 2 as discussed. PASSED, without negative vote.
- F. Designate Representative for Grant Funding:** Raap stated the Community Relations, Recreation and Health Committee gave authorization to apply for grants for the park. The Village Board needs to pass a resolution stating such.
- MOTION (Herbison/Kaatz) to adopt RESOLUTION #2022-0411B regarding Outdoor Recreation Grant Applications designating Trustee Karen Hurd as the author of the grant

application and Administrator Jared McKee as the financial representative to submit reimbursement claims, sign documents, and take actions needed to complete the project. PASSED, roll call vote: Raap-yes, Strasburg-yes, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-yes.

#### 14. Committee Recommendations

##### A. 1<sup>st</sup> Reading of Ordinance Amendment re: Septage at Wastewater Treatment Plant:

Raap gave a summary of the 3/21/22 Public Works, Public Safety & Property Committee meeting, stating the letter from the Village Engineer was reviewed as well as discussing the major points learned last fall. Raap pointed out that our ordinance currently states we do take septage, but the fee structure is old and there is no limit recorded as to the quantity of septage we will take – that being one of the points brought forward by the Village Engineer. Raap stated motions were made at the Committee meeting to recommend resolving those two issues, but then another motion was made after that recommending the taking of sewage be entirely removed from the ordinance. The passing of that motion essentially “trumped” the other two so the first reading in front of the Board for consideration is based on the later recommendation. Raap stated the 1<sup>st</sup> reading can be either passed as is, rejected, or amended how the Board sees fit.

Discussion followed as such:

- Strasburg- We’ve learned a lot. The amount of money that might possibly come in was very small in relation to what it will cost if we have a problem.
  - Hurd- Didn’t think we should eliminate the entire reference to septage in our ordinance. If we throw it all out and later decide we want to take it, we’d have to rewrite it. The ordinance says there is a license approval process, so the Board has the option to deny a license if they choose to do so. Thought the Board should accept the Committee’s first recommendations and establish higher fees and set limits on the amount of septage to be taken.
  - Kaatz- The hope would be that if we had to write a new ordinance, we would have more information than we have now.
  - Hurd- Agreed that there were things we didn’t know and felt we should put the whole thing off and look at more things. There’s no rush.
  - Herbison- When we had the meeting, it showed that not every rock had been looked under. Thinks we should table the idea but would hate to throw out the complete ordinance.
  - Burch- We aren’t getting haulers at our current rates. He didn’t think we’d get haulers with higher rates.
  - Strasburg- Let’s keep in mind what our wastewater operators have said regarding the reasons they are not in favor of this.
  - Raap- Shares Ben’s sentiment that he doesn’t think we will have haulers interested but he thinks the fees should still be updated and a limit set as recommended by the engineer. If it did start happening, he would expect to hear from the employees what the burden is.
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- MOTION (Hurd/\_\_\_\_\_) that we disapprove the first reading. Raap pointed out there is also the option to amend the first reading.
  - MOTION (Hurd/Herbison) to amend her motion to state the first reading shall not have all the strikeouts printed but instead put in a new fee schedule of \$90 for septage and \$14 for holding water and that we limit our acceptance of septage to 2500 gallons per week. PASSED, roll call vote: Strasburg-no, Burch-yes, Herbison-yes, Hurd-yes, Kaatz-no, Raap-yes.

- B. Keller Park Ballfield Agreement Between Contributing Entities:** Raap stated at the Community Relations, Recreation & Health Committee meeting there were representatives from the Youth Sports Association, the Lion's Club & the Fire Department. There was good discussion on the ballfield project as well as a proposal laying out terms for the use of the Keller Park Kitchen and its contents.

Trustee Ben Burch reported Matt Bartow of the Youth Sports Association presented the first proposed ballfield location; there was good feedback from Lions Club and Fire Department, everyone seemed pleased with the progress that has been made. The Youth Sports Association is still in the fundraising aspect of it, but as of today they have received enough donations that they should be able to do the ballfield. Fundraising efforts will continue for the maintenance shed, pavilion addition, and possible batting cages. They are getting a little bit slower start because of the weather, but it looks like it will happen this year!

- MOTION (Kaatz/Strasburg) to approve the agreement between the Village and the Lion's Club, the Fire District, and the Youth Sports Association for use of the Keller Park Kitchen and restrooms, contingent upon the approval of the Fire District. PASSED, without negative vote.
- C. Trees at Keller Park & Boulevard:** Hurd stated the trees along State Street are dying. The committee recommended planting trees between them now, so they have a chance to grow up before we lose the current trees. Approximately 10 trees will be needed for between the two entrances and going up the hill to the railroad tracks.
- MOTION (Herbison/Hurd) to purchase trees for the boulevard at Keller Park; we will accept donations and provide standardized plaques near individual trees to commemorate such donation/memorial.

**15. Possible Assignment to Committee**

- A. General Policy for Developer's Agreements:** Trustee Sheena Kaatz gave an example where a community had fee established for vacant lots, in addition to the property tax bill and wondered if that could be done.
- MOTION (Kaatz/Strasburg) to send to committee. PASSED, without negative vote.

**16. Appointments:** President Raap appointed Marisa Kleven and Mike Minner for three-year terms to the Library Board.

- MOTION (Hurd/Herbison) approving the above appointment. PASSED, without negative vote. Raap appointed Jared McKee to an indefinite term as Zoning Administrator.
- MOTION (Hurd/Herbison) approving the above appointment. PASSED, without negative vote.

**17. Administer Oath of Office to Newly Elected Board Members:** Clerk-Treasurer Renee Roemhild administered the oath of office to Village Trustees Ryan Aylesworth, Chester Goodman, and Sheena Kaatz.

**18. Adjournment:** @ 7:40 p.m.

Renee Roemhild, Clerk/Treasurer