

Village of Fall Creek
Minutes of Regular Village Board Meeting
May 9, 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, Sheena Kaatz, Matt Mattoon. Members Absent: None. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: Auditor Dan Carlson, 4 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 (Goodman/Hurd) to adopt the agenda as printed. PASSED, without negative vote.
 6. **Recognition of Visitors/Citizen Input:** Richard Ziemann spoke regarding fees for rental of Village facilities, stating he feels it would be good to charge for rental rather than waiving fees. Charles Kuehn questioned the requirement for hard surface parking areas, asking if the proposed changes to the ordinance were going to be completed soon.
 7. **Approval of Minutes:**
 - MOTION (Hurd/Kaatz) to approve the 4/11/22 Regular Board meeting minutes. PASSED, without negative vote.
 8. **Financial Report:**
 - MOTION (Mattoon/Herbison) to approve the 4/30/22 Budget Comparison Report. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.
 - A. **Clifton, Larson, Allen: Report on Audit for Year-End 12/31/2021:** Auditor Dan Carlson reported the audit went smoothly and overall, the Village is in good financial condition. The General Fund has stayed consistent over the last four years. The Special Revenue Funds and Debt Service Fund did not see a lot of change in 2021. The biggest change occurred in the Capital Projects Fund because of recording the Village's portion of street expenses for the Rural Development projects, as the projects were completed in 2021. This too affected the Enterprise Funds of the Water and Sewer Utilities, as the expenses had been accumulating for multiple years in the Water and Sewer Funds over the life of the projects, and the "Other Current Assets" line was now adjusted for the transfers out. Carlson stated that without the transfers out, the Water Utility would have been about \$48,000 to the good as compared to prior years of approximately \$250,000. However, the prior years included grant money from Rural Development. The Sewer Utility would have been about \$8,000 to the good. It's important to remember the Utilities have capital expenses that need to be saved for over multiple years, so any net gain at the end of the year is saved for that purpose. Carlson continued by noting the Enterprise Funds had high "current ratios" in 2021; Water Utility was 2.52 and Sewer 3.18. Carlson said the current ratio has increased over the years which is a good indicator that the current assets are increasing while the current liabilities are decreasing. Overall, debt decreased in 2021, with the Village now using only 65% of the State-defined General Obligation (G.O.) Debt Limit (The State limits G.O. borrowing to 5% of a municipality's equalized value; the Village's limit was \$5.3 million in 2021). The Village's indebtedness decreased to only 65% of the limit by the end of 2021.
9. **Approval of Bills:**
 - MOTION (Mattoon/_____) to accept the Invoice Listing and Payroll Pay Summary Reports. Before a second could be given, a question arose regarding the bills. Mattoon rescinded his motion to allow the Clerk-Treasurer time to retrieve the answer.

- 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. McKee also reported on putting out an RFP (request for proposals) for engineering services which he expects will be ready for the Board's action at the next meeting. Regarding the question brought forward by Arnie Zimmerman at the last meeting who was concerned with the stability of the road in the cemetery, McKee stated they had R&R video the storm sewer lines; there is a little spalding on the top of the pipe but overall, the pipe is in good condition. Mr. Zimmerman will be informed that the road is stable.
- 11. Committee Reports:** Trustee Hurd reported she has submitted the DNR grant application for playground equipment at Keller Park and the eagle nest project is proceeding.
- 9. Approval of Bills:** The Board returned to this agenda item with the question being answered.
- MOTION (Mattoon/Herbison) to accept the Invoice Listing and Payroll Pay Summary Reports of 4/12/22-5/9/22. PASSED, roll call vote: Herbison-yes, Hurd-abstain, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-abstain, Goodman-yes.
- 12. Unfinished Business**
- A. 2nd Reading & Possible Adoption of Ordinance Title 8-Sewer, Amending and Repealing Sections of Chapter 214 Sewers:**
- MOTION (Hurd/Herbison) to hold the second reading of the above ordinance, amending and repealing sections of Chapter 214 Sewers to be renamed Title 8 – Sewer, and to adopt the ordinance in its entirety, making it a part of the Code of the Village of Fall Creek. Amendment basically adjusts the fee schedule for accepting septage and establishes a limit of 2500 gallons a week. PASSED, roll call vote: Hurd-yes, Kaatz-no, Mattoon-no, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes. The Board moved to item 12.C and later came back to 12.B.
- C. Board Point of Contact re: Ballfield Project:** President Raap stated he felt Ben Burch would still be a good contact for the Board even though he is not a member of the Village Board anymore. The Board concurred that he and Matt Bartow would be good contacts.
- 13. New Business**
- A. Amendment to Garbage Service Contract:** McKee stated 15% of the monthly bill is considered a “fuel service charge”. The base charge was set in July of 2020. The five-year contract allows for two types of service fee adjustments – 1) an annual adjustment based on the Consumer Price Index for the preceding calendar year but capped at 3% and 2) a quarterly adjustment to the fuel service charge based on the cost of diesel fuel. When getting ready to notify us of such adjustment, the garbage company decided to offer us a contract amendment using simpler language for the fuel component and extending the term of the contract by two years. The simplified language actually works in our favor (making the increase for the fuel component lower) and extending the contract would be beneficial for us as well because projected inflation is expected to be high, so extending the number of years in which we can lock the increase to no higher than 3% is a good thing. McKee recommended approval and recommended the Board's action be contingent upon the City of Augusta approving the same thing, stating it gives us a competitive advantage to stay on track with the City of Augusta so we can continue to let bids jointly.
- MOTION (Mattoon/Goodman) to approve the amendment to the contract, contingent upon the City of Augusta passing the same amendment. PASSED, roll call vote: Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes.
- B. Garbage Service Rates: Fuel Surcharge Rate Increase and Review of Admin Fee:** McKee reported on the Administration Fee (which is for the Village's cost of administering the billing), stating an analysis was done last year which showed the cost should be about \$3.75. The Board, at that time, decided to begin with a lower fee and to review it again with the intent to adjust it incrementally. McKee questioned if the Board wanted to consider an adjustment or give any direction at this time.

Hurd questioned if we wanted to pass on this cost, or if we wanted to just absorb it. McKee responded it isn't about "absorbing" a cost, it's about reflecting expenses correctly so the people who are using the service are the ones who pay for the service. Typically, Enterprise Funds are supposed to be stand-alone funds that produce enough revenue to cover their expenses. Goodman stated that if you keep kicking the ball down the road, you will create a bigger ball that you later have to deal with. He stated we had this happen years ago in the Sewer Fund, where not enough money had been saved by the time the DNR required us to build a new wastewater treatment plant, so it caused the Village to take out such a high loan that the debt service payment caused the sewer rates to approximately triple. Goodman stated it's difficult to increase a fee, but not addressing real needs in a timely manner puts us in a bad situation and it's important to realize it is not free/"absorbing it" to take money from one fund to subsidize another fund.

The Board talked about whether another time-study should be completed to get an updated cost estimate for administering the billing, but the consensus was the first study wasn't done that long ago, so it wasn't worth the time to do another study right now.

- MOTION (Hurd/Herbison) to send this matter to committee to further investigate it. Kaatz questioned what they wanted the committee to investigate if there wasn't going to be another time-study done. Mattoon asked if processes had been streamlined. McKee responded that yes, with the new software the processes are significantly streamlined, however there have been increases in other costs as would be expected, so it's probably a wash. The Board voted on the motion. FAILED, voice vote with Hurd & Herbison voting yes, all others voting no.
 - MOTION (Mattoon/Kaatz) to increase the administrative portion of the garbage bill by \$1.75 per month. Raap commented he likes the incremental approach and would prefer not to take the entire amount right away. Mattoon stated he also had the idea to do a smaller increase now and complete a time-study to get more information. The Board voted on the motion on the table. FAILED, roll call vote: Mattoon-yes, Raap-no, Aylesworth-no, Goodman-yes, Herbison-no, Hurd-no, Kaatz-yes.
 - MOTION (Mattoon/Herbison) to increase the administrative portion of the garbage bill by \$1.00 per month. Hurd stated that she was still struggling with it because we are servants of the public and should just do the work. Raap stated we've talked about the accounting methods for Enterprise Funds and the importance of recording the expenses correctly. PASSED, roll call vote: Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-no, Kaatz-yes, Mattoon-yes. The Board went to agenda item 12B.
- B. 2nd Reading & Possible Adoption to Amend Ordinance Title 2-Government & Administration:** Raap reviewed the proposed amendments. Trustee Hurd asked for clarification regarding her term on the library board that was appointed at the last meeting. Raap stated the appointment for Village representative on the library board is for one year.
- MOTION (Mattoon/Goodman) to hold the second reading of the above ordinance and to adopt it in its entirety, making it a part of the Code of the Village of Fall Creek. The main changes were to reduce the size of certain standing committees and to clarify the length of term for a couple appointments. PASSED, roll call vote: Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes.
- C. 1st Reading of Title 3 Record Retention and Finance, Amending and Repealing Sections of Chapter 31 Finance and Chapter 82 Records Public:** McKee reviewed the amendments

which are basically cleaning up the language and defining the record retention schedule which now includes the police department's documents.

- MOTION (Hurd/Mattoon) to hold the first reading of the above ordinance. PASSED, without negative vote.

D. Update to Public Records Request Fee: McKee reviewed the minor updates, mainly adding the cost of a flash drive.

- MOTION (Mattoon/Kaatz) to approve the updated policy. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.

E. 1st Reading 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: McKee reported on the amendments as they had been recommended by the Public Works, Public Safety & Property Committee.

- MOTION (Kaatz/Herbison) to hold a first reading of the above ordinance. Goodman questioned if there could be discussion before voting. He felt the parking regulations should be more lenient than this, feeling an RV/trailer owner should be able to park in front of their house. Kaatz stated the amendment was based on the Police Chief's recommendations, the Committee tried to clean up the ordinance and make things more consistent. Discussion followed. Raap said this is only the first reading so it will come back for the second reading, if anyone wants to do more research and bring back additional ideas.

The Board voted on the motion on the table. FAILED, roll call vote: Herbison-yes, Hurd-no, Kaatz-yes, Mattoon-no, Raap-yes, Aylesworth-no, Goodman-no.

Raap explained voting "no" left an ordinance in place that is more stringent because the amendment proposed was less stringent than the current ordinance. McKee stated the current ordinance has some unclear language, creating confusion and making it a headache for the Police Chief to enforce. He stated there is a need for an amendment to clarify the regulations. More discussion took place.

- MOTION (Goodman/Herbison) to hold a first reading of the above amendment as written, with the following changes regarding parking on the street: to extend the allowed time for vehicles requiring DOT registration from 5 days to 2 weeks, time for vehicles requiring DNR registration should be 5 days, and requiring the vehicle to be parked in front of the owners' residence on the same side of the street as the home. PASSED, voice vote with Kaatz voting no.

F. Bartender Operator License Applications: Raap listed the names of those applying, as well as the Police Chief's recommendations based on his police check of the applicants. McKee reported Chief Mumford has updated the application form to define parameters for review of the application, clearly listing offenses that would result in denial of the application.

- MOTION (Goodman/Mattoon) to grant or deny licenses based on the Police Chief's approval or disapproval, so granting a license for the remainder of the 2021/22 license year to Toby Biegel, Dean Berry and denying a license to Ashley Corrigan. PASSED, without negative vote.

G. Sewer Plant Equipment Purchase Request: McKee reported on the need for a D.O. (Dissolved Oxygen) Meter. He reported the Village has used the brand Y.S.I. before and Kay Curtain from Rural Water recommended a Y.S.I. combination meter.

- MOTION (Goodman/Mattoon) to approve up to \$2000 for purchasing a Y.S.I. combination meter. PASSED, roll call vote: Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes.

H. Resolution Designating Public Depositories & Authorizing Withdrawal of Village

Moneys: Raap stated this is a resolution the Board addresses every year after the election.

MOTION (Mattoon/Kaatz) to approve RESOLUTION #2022-0509A. PASSED, roll call vote: Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes.

I. Appointments: President Raap made the following appointments:

<u>Community Relations,</u>	<u>Finance, Personnel &</u>	<u>Public Works, Public</u>
<u>Recreation & Health</u>	<u>Economic Development</u>	<u>Safety & Property</u>
Karen Hurd - C	Tim Raap - C	Sheena Kaatz - C
Ryan Aylesworth	Chester Goodman - VC	Karen Herbison
Matt Mattoon	Ryan Aylesworth	Matt Mattoon
	Karen Herbison	
	Sheena Kaatz	

Key: C - Chair, VC - Vice Chair

Raap appointed himself as Chairperson on the Plan Commission, Chester Goodman as Village Board Representative on the Plan Commission, and Karen Hurd as Village Board Representative on the Library Board. Raap noted all board members have two appointments. MOTION (Mattoon/Aylesworth) confirming the above appointments. PASSED, without negative vote.

President Raap made the following appointments: Weed Commissioner-Jamie Kaeding (1-year term), Fire Chief-Dave Chambers (indefinite term), Police Committee-Ben Burch (5-year term), Zoning Board of Appeals-John Kuehn (3-year term) and Val Beranek Callahan as an alternate on the Zoning Board of Appeals (3-year term), Fire District-Wayne Grosskopf (3-year term).

- MOTION (Goodman/Mattoon) confirming the above appointments. PASSED, without negative vote.

Raap said we've talked a little bit about Plan Commission, regarding whether members must be a *resident* of the Village. He stated in the last issue of the Municipality Magazine there was an article that dealt with that exact question. In it, the League of Wisconsin Municipalities said their position is that *citizen* does not mean *resident*. They detailed the State Statutes, pointing out there is a requirement that the President appoint at least three *citizen* members who are not municipal officials, but the League did not believe the word *citizen* was inferring *residents*. Raap commented that we meet the requirement of having at least three members that are not municipal officials.

Raap stated he called Helen Hartmann, who has been a member on the Plan Commission for many years and questioned how she would feel about stepping down from the Plan Commission (her term goes until 2024). Raap told her he has received some comments from businesses asking for representation on the Plan Commission and he's noticed some other municipalities make a point to have some of their members have expertise in zoning and planning issues. He thought this might be a good time for that here as there are some involved issues coming up, as we will be revisiting the Village's Comprehensive Plan soon. Helen responded to Tim that she liked being on the Plan Commission but understood there would be an advantage to having a member that had expertise in those areas so she told him yes, she would resign.

Trustee Hurd stated she had a conversation with Helen and that Helen did not want to resign. Raap responded that isn't what Helen told him, so he's going with the conversation he had with Helen. Raap said he'd like to appoint Bill Boettcher to complete Helen's term, stating he's a business owner in the Village and he understands building code and zoning processes as his employment is in architectural review. Raap stated he thinks having a subject-matter expert would be helpful.

Hurd stated the particular person Raap has chosen is biased. Goodman questioned Hurd on that statement. Hurd said the person came to the meeting regarding her request for residential living in the Downtown Business District and she said there is a definite slant that he has, so she doesn't think he is an appropriate choice. Kaatz said his slant is not against the Downtown District or against the flourishing of Fall Creek; she stated he may not agree with your particular request, but she didn't think he was against Fall Creek. Hurd said that Kaatz didn't understand because she wasn't at both meetings.

Hurd stated she felt we have to become more lenient, be more helpful to the residents, she felt we have moved into the "one size fits all" rules and are not looking at individual situations. Raap stated you don't get to be in a place where you set zoning rules and then pick & choose who has to follow them. Once you decide on something and set a precedence, everyone has to follow the rules; it's pretty rigid in order to legally cover yourself and so you are not showing preference to specific individuals. Hurd replied she wasn't asking for preference for individuals but to look at each situation individually. She stated no one asked to come look at her building; that if they would have walked through it, they would have seen that her request was very reasonable because the building is already at commercial standards, already ADA compliant, and there is a point in favor of allowing main floor living while a person runs their business.

Hurd stated she thought the Plan Commission member should be a resident of Fall Creek and she didn't agree with the choice. Raap stated he worried that Helen has not been following along on some things; stating we have the Comprehensive Plan coming up and it's going to be a very complex plan, it's going to be a big exercise. Kaatz asked if there were any other business owners that have expressed interest in being on the Commission. Hurd mentioned the Schultz's and asked that one of them be chosen instead. Someone stated they live in the Town of Lincoln. McKee stated that business owner has been out of compliance on some zoning/building issues. McKee stated he wasn't saying the person could not do it, but there may be some concerns when the person is not complying with current building permit regulations. Raap stated he wanted to clarify the comments about Mr. Boettcher, stating he was at those meetings too and he thought the only thing Mr. Boettcher voiced was about building code – going from one code to another (commercial to residential) and grandfathering and loss of grandfathering - not biased comments, but expert feedback on what complications could be. Raap said he chose that person for his appointment because he felt Boettcher fit the bill for having subject matter expertise. Herbison stated she agreed regarding Helen; that it had nothing to do with age but that she's been to some of those meetings and Helen's been having problems, that the Plan Commission sometimes has to deal with complicated, hard stuff. Herbison continued by saying to Raap that she agreed with his conversation that he had with Helen. Raap stated he was very impressed with Helen and how ambitious she is. Hurd stated that Helen was very sharp. Herbison asked what to do now. Raap stated Helen verbally told him that she was ok with resigning, but because Hurd is saying something different, he would now want the Board to vote on it whether they wanted to remove Helen. Hurd stated Helen felt pressured because when the Village President calls someone, it's natural for them to feel pressured. Goodman said he didn't know the situation because he's been away for a while. He remembered working with Helen several years ago and felt she was a great asset 3 years ago,

but he knew things can change. He didn't know if it was the case in this situation but sometimes it's hard for a person to move on and sometimes that means we have to do hard things. He stated he hasn't spoken with Helen for several years. McKee stated that Helen had been struggling when she wasn't able to attend the meetings in person and had to attend via phone. Everyone agreed it is difficult to hear when attending a meeting via phone. Raap stated he agreed with what Goodman said that sometimes we have to make tough decisions and Raap said we need to have people that we know can follow along with the complex issues coming up.

- MOTION (Raap/Kaatz) to remove Helen Hartmann from the Plan Commission. PASSED, roll call vote: Mattoon-yes, Raap-yes, Aylesworth-abstain, Goodman-abstain, Herbison-yes, Hurd-no, Kaatz-yes.

President Raap appointed to the Plan Commission: Curt Strasburg (term expires 2025) and Bill Boettcher (term expires 2024). Mattoon said he'd love to find a place for Helen to be involved in. Aylesworth said he doesn't feel he has the background to vote.

- MOTION (Mattoon/Herbison) confirming above appointments. PASSED, Raap-yes, Aylesworth-abstain, Goodman-yes, Herbison-yes, Hurd-no, Kaatz-yes, Mattoon-yes.

J. Subcommittee for Downtown District/Comprehensive Plan: President Raap appointed the following to the Downtown District/Comprehensive Plan subcommittee: Chester Goodman, Karen Herbison, John Kuehn, Tim Raap, Curt Strasburg and stated he will add at least one or two business owners.

- MOTION (Mattoon/Kaatz) confirming the above appointments. PASSED, without negative vote.

14. Committee Recommendations: None.

15. Possible Assignment to Committee

A. Engineer Request for Proposal Review Group: McKee reported he'd like to have the Public Works Committee, himself, and one other employee. The Board discussed and decided on Jamie Kaeding.

- MOTION (Mattoon/Kaatz) to form the committee as described. PASSED, without negative vote.

16. Adjournment @ 9:40 p.m.

Renee Roemhild, Clerk-Treasurer