

***Village of Fall Creek***  
*Minutes for Regular Village Board Meeting*  
*March 13, 2023*

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: 7 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 (Hurd/Kaatz) to adopt the agenda as printed. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input:**
  - Tom Bornick, 363 Willow Ct, spoke regarding interest in rejuvenating Keller Park and adding pickleball courts, stating that is a growing trend and he feels there are many residents who would appreciate the ability to play pickleball close to home.
  - Trustee Sheena Kaatz reported on receiving an email from a concerned resident regarding the parking of unregistered vehicles on yards.
    - MOTION (Mattoon/Aylesworth) to refer the matter to the Public Works, Public Safety and Property Committee. PASSED, without negative vote.
7. **Approval of Minutes:**
  - MOTION (Mattoon/Goodman) to approve the minutes of the 2/13/23 Regular Board, 2/28/23 Public Works, Public Safety & Property Committee and 3/7/23 Plan Commission meeting. PASSED, without negative vote.
8. **Financial Report:**
  - MOTION (Goodman/Kaatz) to approve the 2/28/2023 Budget Comparison Report. PASSED, roll call vote: Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes.
9. **Approval of Bills:**
  - MOTION (Mattoon/Kaatz) to accept the Invoice Listing and Payroll Pay Summary Reports of 2/14/23-3/13/23. PASSED, roll call vote: Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes.
10. **Report of Village Administrator:** Administrator Jared McKee gave his monthly report highlighting the departmental duties accomplished since the last regular board meeting. He also commented that the Open House with the Administrator went very well – those in attendance were appreciative of the time to talk through items and get their questions answered. President Tim Raap questioned about the website going down and that the site is now being hosted by a different company. McKee responded that yes, the new provider is being very generous on the pricing and there is a new design. Raap stated that with this new design and now that we are getting our documents in a more easy to read format, he would like to see more financial data put on the website. McKee agreed. Raap mentioned to the other board members to look at the website and see if there are other documents they would like to see on the website.
11. **Committee Reports:** Plan Commission Chairperson Tim Raap reported on the recent Plan Commission meeting, stating that one variance request was approved and there was some research needed on the other request so there will be another meeting soon to address that.
12. **Unfinished Business:** None.
13. **New Business**

- A. Consider Recommendation from Planning Commission for a Variance for Rollover Curb at Creekside Estates:** Raap reported the Plan Commission looked at the preliminary plat for Creekside Estates, 11 acres on the edge of town just south of Randall Road. Per procedure in our subdivision ordinance, the Preliminary Plat is not brought before the Board, but Raap stated that it is available if anyone would like to see it. McKee stated he will push it to the packet for their convenience. Raap reported that as part of that meeting, the Plan Commission recommended approval of a variance for a rollover curb in front of R1A lots.
- MOTION (Hurd/Goodman) to approve the rollover curb variance as recommended by the Plan Commission. PASSED, roll call vote: Hurd-yes, Kaatz-yes, Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes.
- B. Consider 1<sup>st</sup> Reading of Amendment to Title 7:** President Raap said we've talked about this ordinance regarding when a Health & Sanitation public nuisance complaint is received, and this is only the first reading to amend the ordinance to state the complaint should be made to the administrator, rather than the president. The intent is to provide consistency - to make this ordinance consistent with the other ordinances we have been working on cleaning up. Raap said we also noticed the section about Dutch Elm disease and thought that should be cleaned up as well.

Trustee Karen Hurd said that Wisconsin Statutes Chapter 61 defines what statutory offices are, and she thinks it would be wise to keep the ordinance with statutory offices (President or Trustees) and any change made should be a *policy* change, not an *ordinance* change; she stated we could put the procedure in a policy handbook and not change the ordinance so if we wanted to change the jobs around, we wouldn't have to change the ordinance again. Raap stated that to maintain a wholistic approach, putting the procedure in a policy handbook rather than ordinance would require a lot of additional clean up to the ordinances because the ordinances is where we have been defining these types of procedures/policies. Hurd said she understood but said this was the only thing we were considering tonight. Trustee Karen Herbison questioned about a policy. Hurd responded even if it wasn't a written policy; that if a person came in with a complaint about someone living in unsanitary conditions, that if the clerk or deputy clerk received the complaint, they could notify the president, who would then tell them to call the County Health Department and the County would come out and do all the work. Hurd stated it would be better to have it as a policy to avoid having to redo an ordinance if we wanted to change something later.

Administrator McKee stated this particular item regarding health & sanitary complaints is not very common in the Village, so we don't deal with it very often, but he was concerned that we maintain consistency. He stated we have many different places in the *ordinances* where we list the procedure for handling a complaint, defining which employee (not someone who holds a statutory office) is responsible for monitoring order. McKee said for example, the weed commissioner – the written ordinance is the place in which the Board gives the weed commissioner the administrative authority to exercise a legislative function and enforce the Village requirements regarding weeds and lawns as stated in our ordinance. McKee stated as far as the types of *policies* we have – those tend to deal with conveying non-legislative information, such as our personnel policy that specifies things like vacation days or time off allowed. Hurd responded that we could begin a policy, that our ordinance establishes authority and then we can have administrative rules or policies that come under that, so we are not consistently changing the ordinance because the Village is fluid, so we want to be able to keep our ordinances as statutory authority and allow us to have some fluidity underneath that. Hurd stated the president does need to know when there is a violation, the Board does need to know.

Raap responded we already address that – as an example, the ordinance establishes the regulations for the Village, directs the police how to enforce them, and then the police give a report of the incidents back to the Board.

Raap stated the Board is going to have to decide if they want to spend the money, effort, and time to change all the ordinances to remove the procedures directing employees how to enforce the ordinances, so maybe this matter should be referred to the Committee of the Whole to decide if there is enough value in doing that. Trustee Matt Mattoon stated he didn't see any reason to not move forward with the first reading assigning the duty to the administrator, because he can always inform the president and the Board. Ryan Aylesworth asked what the benefit of changing the ordinance from president to administrator was. Raap responded it was just for consistency, as we've been reviewing our ordinances and have already went through many of them and changed them to reflect the day-to-day person who is responsible for administering the particular ordinance. Mattoon stated presidents are not always available all the time, so he feels it best to have complaints be made to day-to-day employees, like the administrator. Hurd stated the intent of the law is that the president be made aware of these things, but that he doesn't need to be there to receive the complaint. McKee stated as the ordinance reads right now, the complaint is to be made to the president. Mattoon said for intake reasons it would be more prudent for the person who comes in with a complaint to go to someone that we've hired to be available during the day.

- MOTION (Hurd/Herbison) to reject the first reading and leave the ordinance as it currently stands. Voice vote. It was hard to determine the response so President Raap called for a roll call vote: Kaatz-yes, Mattoon-no, Raap-no, Aylesworth-yes, Goodman-no, Herbison-yes, Hurd-yes. PASSED.
- MOTION (Mattoon/Aylesworth) to refer Title 7 to the Committee of the Whole to look at it with a wholistic approach. PASSED, with Goodman voting no.

**C. Consider Application for Temporary Class B Retailers License:**

- MOTION (Hurd/Mattoon) to approve the issuance of a Temporary Class B Retailers License to the Fall Creek Fire Department for the Fall Creek Booster Club Alumni Tournament for 4/14/23-4/15/23. PASSED, without negative vote.

**D. Consider Police Radios:** McKee reported on the bids for police radios, stating that the County is getting ready to move to digital so our radios would not work anymore. McKee would like approval to use C.E.R. money to purchase the needed radios from the lowest bidder.

- MOTION (Mattoon/Kaatz) to purchase radios from Racom in the amount of 6,672.44 and use C.E.R. money. PASSED, roll call vote: Mattoon-yes, Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes.

**E. Consider Memorandum of Understanding with Town of Ludington re: Police Services:**

McKee stated we have had an understanding with the Town of Ludington for many years, but it has been rare that the Police Department has needed to respond to any calls.

- MOTION (Herbison/Kaatz) to approve the memorandum of understanding with the Town of Ludington for police services as presented. PASSED, roll call vote: Raap-yes, Aylesworth-yes, Goodman-yes, Herbison-yes, Hurd-yes, Kaatz-yes, Mattoon-yes.

**14. Committee Recommendations:** None.

**15. Possible Assignment to Committee**

**A. Select Village Attorney:** Referred to the Committee of the Whole.

**B. “For Free” Items and Signs in Public/Private Yards/Sidewalks:** Referred to the Public Works, Public Safety & Property Committee.

**16. Adjournment:** 7:30 p.m.

Renee Roemhild, Clerk-Treasurer

*Village of Fall Creek Regular Village Board Meeting Minutes*

3/13/2023 Page 3 of 3