

Village of Fall Creek
Minutes for Regular Village Board Meeting
May 13, 2024

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, Karen Herbison, Bryan Kaatz, Josiah Kleven, Matt Mattoon, Curt Strasburg. Staff Present: Village Administrator/Public Works Director Jared McKee, Clerk/Treasurer Renee Roemhild. Also Present: Library Board President John Kuehn, 3 citizens. Arriving Later: Library Director Charlene Conradi, 3 additional 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/Kaatz) to adopt the agenda as amended. PASSED, without negative vote.
6. **Recognition of Visitors/Citizen Input/Correspondence:**
 - Mark Prankus, 211 E Randall Rd, expressed dissatisfaction with the dirt pile being left for such a long time at the road construction site across from his property, stating it is not aesthetically pleasing and creates dust in the neighboring homes.
 - Vern Ming, 133 E Randall, felt there should have been a better quality of grass seed used for lawn restoration in the boulevards on the Randall Road project.
 - Raap reported on items of correspondence received: an invite to the Bartow Ribbon Cutting Ceremony and a thank you expressed.
7. **Approval of Minutes:**
 - MOTION (Herbison/Aylesworth) to approve the 4/8/24 Regular Board, 4/13/24 Special Village Board, 4/24/24 Special Village Board, and 5/8/24 Plan Commission meeting minutes. PASSED, without negative vote.
8. **Financial Report**
 - MOTION (Mattoon/Herbison) to approve the 4/30/24 Budget Comparison and quarterly financial reports. Roll call vote: Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes. PASSED.
9. **Approval of Bills:**
 - MOTION (Kaatz/Herbison) to accept the Invoice Listing and Payroll Pay Summary Reports of 4/9/24-5/13/24. Roll call vote: Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes. PASSED.
10. **Report of Village Administrator:** Administrator Jared McKee gave his monthly report highlighting the department duties accomplished since the last regular board meeting. The Board moved to agenda item #13C because it was the advertised time for the public hearing.
13. **New Business**
 - C. **Public Hearing re: Special Assessments for Miami Ave Project:** President Raap opened the public hearing at 6:30 p.m.
 - Vern Ming, 133 E Randall Rd, questioned the parameters of the project. Raap responded.
 - D. **Close Public Hearing and Village Board Discussion on Input Received:** With no other citizen input, Raap closed the public hearing at 6:32 p.m.
 - E. **Consider Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefitted Property in the Village of Fall Creek for the 2024 Miami Ave Project:** Raap reported the bids were opened May 1st and came better than

expected. The special assessments were recalculated using the bid prices and are lower than the preliminary estimates previously provided to the benefitted property owners. McKee reiterated the project is for replacing paving on Miami Avenue; he stated the special assessments were calculated per Village ordinance which specifies affected property owners are to share in 50% of the cost of road reconstruction. McKee also reviewed the Village's policy for corner lot concessions per ordinance. McKee discussed the details of the final resolution, stating he recommended a shorter payback period of 5 years for a project such as this.

- MOTION (Herbison/Strasburg) to adopt RESOLUTION #2024-0513A, with bullet point #6 specifying a payback period of 5 years. Roll call vote: Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes. PASSED.

The Board returned to the agenda items that had been bypassed to move to the public hearing.

11. Committee Reports: None.

12. Unfinished Business: None.

13. New Business

- A. Consider Resolution from Board of Commissioners of Public Lands re: Loan for TID #2 Utility & Road Extension Project:** President Raap presented the resolution stating it is for the loan approved by the Board at the 4/24/24 Special Board meeting.
- MOTION (Mattoon/Aylesworth) to adopt RESOLUTION #2024-0513B borrowing \$650,000 for the purpose of financing TID #2 utility and road extension project. The term will be 16 years with an interest rate of 6%. Roll call vote: Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes. PASSED.
- B. Consider Ordinance Title 16, Zoning/Signs:** Raap reported we received a call regarding the political portion of our sign ordinance. Some cleanup is needed due to a ruling by the Supreme Court. Raap requested the matter be referred to committee and a motion be made to suspend the enforcement of that part of our Code.
- MOTION (Aylesworth/Kaatz) to send the sign ordinance to Plan Commission and to suspend the enforcement of §16.5.3.H Village Code at this time. PASSED, without negative vote.
- F. Award Miami Ave Project:** Raap reported the low bidder was Tanner Excavating at \$71,000. McKee reviewed the bids and recommended the Board award. He stated he will not be giving the order to proceed until we receive the signed agreement with the State for Local Road Improvement Program (LRIP) grant funds, of which the Village will receive approximately \$34,000 for this project.
- MOTION (Aylesworth/Mattoon) to award the Miami Avenue project to Tanner Excavating for \$71,000. Roll call vote: Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes. PASSED.
- G. Consider Resolution from Board of Commissioners of Public Lands re Loan for Miami Ave Project:** President Raap presented the resolution stating this loan will be for the property owner cost-share for this project. The final resolution passed earlier in the meeting places the owner's share as a special assessment on the benefitted property, which is then paid off with annual installments placed on the property tax roll.
- MOTION (Mattoon/Herbison) to adopt RESOLUTION #2024-0513C borrowing \$40,000 for the purpose of financing the Miami Ave road project. The term will be 10 years with an interest rate of 6%. Roll call vote: Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes. PASSED.

- H. Award Ball Court Project:** Raap gave some background on the project; there will be pickleball courts and new, regulation-sized basketball courts in Keller Park. There are several parts to this project; this bid being considered is for the paving portion.
- MOTION (Mattoon/Aylesworth) to award the contract for asphalt on the Ball Court Project to Tanner Excavating at \$69,000. Roll call vote: Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes. PASSED.
- I. Award Ball Court Fence Project:** McKee explained he requested both a base bid with galvanized chain link fence and an alternate bid for chain link that is coated with vinyl. McKee stated H&S Fence, a local business in our Industrial Park, came in as the lowest bid, by far, giving us a great “hometown deal”.
- MOTION (Kaatz/Herbison) to award the bid to H&S Fence for the alternate bid that includes black vinyl coated chain link fence for \$34,895. Roll call vote: Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes. PASSED.
- J. Library Update and Discussion:**
- Administrator McKee updated the following:
- As approved at last month’s board meeting, the company Crescendo Fundraising Professionals was hired to complete a Capital Campaign Financial Readiness Study regarding the library project. This study will determine the level of financial resources likely to be gained from businesses, organizations, and community members who are interested in donating to this project.
 - Crescendo is getting ready to engage the community and said it would be helpful to know the level of financial support the Board is willing to put toward the project, whether it be for the administrative portion of the building, or landscaping, or whatever. It was recommended by them that a commitment from the Board in the range of 12-15% of the project cost would show prospective donors the Village is committed to the project.
 - Points given to help the Board determine what funds could be available for the project included the following:
 - As previously discussed, the proposed concept of the project incorporates moving Village Hall and the administrative offices to the new location in order to keep community meeting spaces contiguous. That would mean the current facility could be sold and the proceeds could be used for the new project, also resulting in opening up a location for another business to come into the Downtown District, which would improve the economic market for all. McKee reported on contacting a realtor to get an estimated sale value of the current Village Hall building; the analysis came back at an estimated \$450,000-500,000 which could be applied to the financial support recommended by Crescendo.
 - McKee relayed the current cash balances, along with upcoming expected capital expenses.
 - The grant funds we hope to get for this project come from an unusual, one-time opportunity resulting from leftover ARPA money.
 - \$107 million was awarded to the State of Wisconsin from the US Treasury. The State is in turn awarding that money in grants to municipalities for projects that will improve libraries, community centers, and other anchor institutions designed to enable work, education, and health monitoring. A municipality can be awarded an amount of up to \$4.25 million.

- There is a tight timeframe to complete the application for the grant and a stipulation that an awarded project must have construction completed by September of 2026, or the municipality must give the funds back. The short time frame may work in our favor because we had already begun assessing our needs and have completed many helpful steps - such as working on our financing, hiring Crescendo, proposing a site which even includes an offer of land donation, having architectural renderings, and already holding a Community Input Session. It would be very hard for a community that had not started until the grant application came out to complete all the steps necessary in such a short timeframe, and any community that started earlier than us would likely have already expended funds that would not be reimbursable.
- The grant application just became available. We can now see the rating rubric, which helps us understand how to get even more shovel-ready, so to speak, and increase our chance for an award. More regarding that will be talked about at a later meeting.
- Being awarded the grant, along with the result of the financial feasibility study, will be the main factor in determining the scope of the project. If awarded \$4.25 million, we'd definitely be able to build a building. If the donation estimates do not come in as successfully as we'd like, we may not be able to do all that we hope. The Board will need to make those decisions once we find out the level of funds we'll be working with.

Further items discussed by the Board included:

- The building/project feasibility study was completed last year, showing the need for the facility. We are now in the process of working on the financial feasibility study to determine how much businesses and the community are willing to help with this project.
- The criteria for receiving a grant award is not based on whether a community was severely hit by COVID, nor is it based on a community's LMI (low- to moderate-income) score, but rather on whether the project meets the objectives described and whether the project would be able to be completed within the designated timeframe. An example of the objectives described above include providing a facility that has good internet and appropriate space/private study rooms to allow persons access to telehealth services. This is particularly relevant in the Chippewa Valley with the HSHS, Prevea Health closings.
- Concern over spending taxpayer/ratepayer money was discussed.

MOTION (Herbison/Mattoon) that we send this out to referendum for the taxpayer portion of the cost of the project. Discussion continued:

- Sending the matter to referendum would mean this unusual grant opportunity would likely be lost, because there would not be time to fit the parameters of the grant. The community would then be responsible for paying for the entire cost of the project.
- A grant of that size would be a huge financial gain. Good financial management includes not only making wise decisions regarding spending, but also diligent efforts to seek financial resources that reduce the need for taxpayer/ratepayer funds.
- To have the possibility of gaining a facility worth approximately \$7 million dollars, while only needing to spend a fraction of that amount from taxpayer/ratepayer funds would be a very good value for the Village.
- The facility is needed. The timing for the opportunity of outside funding is now. A lot of community input has been received in the past and is listed in the Village's

Comprehensive Plan, supporting the idea that a project such as this falls within the goals of the Village.

President Raap called for a roll call vote on the above motion. Roll call vote: Kaatz-no, Kleven-no, Mattoon-no, Raap-no, Strasburg-no, Aylesworth-no, Herbison-yes. FAILED.

MOTION (Kaatz/Strasburg) to make a soft commitment to contribute \$850,000 for the library project. Roll call vote: Kleven-yes, Mattoon-no, Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-no, Kaatz-yes. PASSED. Board moved to agenda # 13.O.

O. Bloomer Broadband re: Fiber Optic Broadband Project: Raap stated there was a County broadband meeting after our last board meeting. The County did approve giving \$1.3 million to the broadband project, areas that were described in our previous meeting as Option 1. The County did not approve the additional funds initially requested for the Jackson Avenue area in the Village. Travis McFarlane of Bloomer Broadband reviewed the options again, stating another \$80,000 would be needed to service the Jackson Avenue neighborhood. Construction would be completed this season. Dean Mischke, Village resident and person who has worked in the industry for 30+ years, stated Bloomer Broadband delivers good service and having a local provider would be very beneficial. Raap outlined the Village finances, the financial management policies, and the funds already committed to various projects.

- MOTION (Mattoon/Strasburg) to offer an additional \$15,000 that we can use of the remaining ARPA money to be used for bringing broadband to the Jackson Avenue properties. Aylesworth stated he needed to abstain because of a conflict of interest. Roll call vote: Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-abstain, Herbison-yes, Kaatz-yes, Kleven-yes. PASSED.

Raap stated he would like to do the “competitive and bargaining” part of the closed session right now and later go into closed session for the “economic development” part.

16. 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, Namely, Discussion re: Competitive/Bargaining Reasons and Economic Development. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business.

- MOTION (Mattoon/Kaatz) at 8:39 p.m. and to invite Library President John Kuehn and Library Director Charlene Conradi into the closed session. Roll call vote: Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes. PASSED.

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

- MOTION (Herbison/Aylesworth) to return to open session @ 9:05 p.m. Roll call vote: Strasburg-yes, Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes. PASSED.

K. Request for Proposals for Construction Management & Architectural Services:

- MOTION (Herbison/Kleven) to put out two separate RFP’s, in tandem, for architectural services and construction management services. Roll call vote: Aylesworth-yes, Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes. PASSED.

L. Alcohol Beverage Application:

- MOTION (Mattoon/Aylesworth) to grant a temporary picnic retailer license for the sale of fermented malt beverages and wine at picnics or similar gatherings from May 16-19 and May 24-25 to serve fermented and wine at Keller Park to the Fall Creek Youth Sports Association. PASSED, without negative vote.

M. Bartender Operator License Applications:

- MOTION (Aylesworth/Strasburg) to grant a temporary bartender operator license from May 10-25 to Benjamin Burch, Allison Burch, John Elkins Jr., Laura Elkins, & Adrian Thur. PASSED, without negative vote.
- MOTION (Aylesworth/Kaatz) to approve a bartender operator license to Savannah Highley for the remainder of the 23/24 license year and to Shannon Beilke for the 24/25 license year. PASSED, without negative vote. Board moved to agenda # 15.A.

15. Possible Assignment to Committee

A. Ordinance Amendment to Allow Staff to Issue Bartender Operator Licenses & Temporary Alcohol Licenses:

- MOTION (Mattoon/Aylesworth) to prepare a first reading of an ordinance amendment to allow staff to issue standard bartender operator licenses and temporary (picnic) Class “B”/ “Class B” retailer’s licenses. PASSED, without negative vote.

13. New Business (continued)

N. Inland Lake Protection & Rehabilitation District Quarterly Discussion: Because of years of sediment that has been accumulating in the pond and the exorbitant cost of dredging the pond, the Board discussed the possibility of trying to obtain an area upstream to put in another sediment trap.

P. Appointments: President Raap made the following appointments:

<u>Community Relations, Recreation & Health</u>	<u>Finance, Personnel & Economic Development</u>	<u>Public Works, Public Safety & Property</u>
Matt Mattoon, Chair	Tim Raap, Chair	Karen Herbison, Chair
Bryan Kaatz	Ryan Aylesworth, Vice Chair	Bryan Kaatz
Josiah Kleven	Curt Strasburg	Matt Mattoon
	Karen Herbison	
	Josiah Kleven	

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

President Raap made the following appointments:

- **Library Board:** Village Board Rep-Ryan Aylesworth (1-year term),
- **Plan Commission:** Tim Raap, Chair (1-year term), Curt Strasburg, Village Board Rep (1-year term), Sheena Kaatz to complete Curt Strasburg’s prior term (1-year remaining), Bill Boettcher, Business Rep (3-year term), Curt Van Auken (3-year term)
- **Police Committee:** Wayne Steinke (5-year term),
- **Zoning Board of Appeals:** Marv Schmit (3-year term), Val Callahan (3-year term), Westley Bennett, Alternate (1-year term)
- **Weed Commissioner:** Jamie Kaeding (1-year term).
- MOTION (Mattoon/Aylesworth) confirming the above appointments. PASSED, without negative vote.

15. Committee Recommendations

P. Downtown Business District Sign & Façade Applications:

- MOTION (Mattoon/Aylesworth) approving the sign permit application of Legacy Custom Homes for 119 E Lincoln Ave. PASSED, without negative vote.

- MOTION (Herbison/Mattoon) approving the sign permit application of Hailey Martin (Restored Co.) for 102 W Lincoln Ave. PASSED, without negative vote.
- MOTION (Herbison/Mattoon) approving the façade building permit application of Crickets Pizza for 129 E Lincoln Ave. PASSED, without negative vote.
- MOTION (Aylesworth/Mattoon) approving the sign permit application of Fall Mart for 208 E Lincoln Ave., contingent upon the Citgo lighted sign being dimmable or shut off, if needed. PASSED, without negative vote.

16. 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, Namely, Discussion re: Competitive/Bargaining Reasons and Economic Development. At the End of the Closed Session, the Board Will be Going into Open Session to Conduct Further Business.

- MOTION (Mattoon/Aylesworth) @ 9:43 p.m. Roll call vote: Herbison-yes, Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes. PASSED.

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

- MOTION (Mattoon/Aylesworth) to return to open session @ 10:12 p.m. Roll call vote: Kaatz-yes, Kleven-yes, Mattoon-yes, Raap-yes, Strasburg-yes, Aylesworth-yes, Herbison-yes. PASSED.
- MOTION (Herbison/Mattoon) to give Administrator McKee authority to work on negotiations for Phase 2 as discussed in closed session. PASSED, without negative vote.

18. Adjournment: @ 10:14 p.m.

Renee Roemhild, Clerk/Treasurer