

## VILLAGE BOARD PROCEEDINGS

The regular meeting of the Village Board, Village of New Auburn, was held on Thursday, October 12, 2017 at 7:00 p.m. at the Village hall.

### **Call to Order, Roll Call, and Pledge of Allegiance**

The meeting was called to order by President Donna Bischel at 7:00 p.m. Answering roll call were Donna Bischel, Shannon Berg, Robert W. Lemmons, Brad Lotts, and Gary Pitts. Clerk/Treasurer Peggy Stanford was also present.

The Pledge of Allegiance was made.

**Others present:** Mitch Gibson, Larry Gotham, Greg Hjelle, Art Klingenberg, Andrea Lemmons, Dan Moos, Brian Nodolf, Troy Robey, John Stainbrook, and Andy Sykora.

### **Public Hearing to provide an opportunity for the public to comment on an application for a Conditional Use Permit by John Stainbrook**

The purpose of the hearing will be to provide an opportunity for the public to comment on an application for a Conditional Use Permit by John Stainbrook, Principal for Chetek Properties No. 2 LLC to allow a trucking business in an Agricultural zoned district at 210 W. Tarr Rd. Legal description: Lot 1 of Chippewa County Certified Survey Map No. 4573 recorded in Volume 21 of Certified Survey Maps page 69; of part of the SE ¼ - SE ¼ , Section 2, Township 31 North, Range 10 West, Village of New Auburn, Chippewa County, Wisconsin. Greg Hjelle and John Stainbrook were present from the company. No public comments were heard.

### **Public Comments**

Andrea Lemmons asked if the locks were recently changed at the park pavilion.

### **Meeting Minutes – Board meeting September 14, 2017; Planning Commission September 28, 2017**

Motion by Lemmons to approve the Board meeting minutes for September 14, 2017; seconded by Berg. Motion carried.

Motion by Bischel to approve the Planning Commission meeting minutes for September 28, 2017 with the change of a typo for Gary to Greg Hjelle; seconded by Lotts. Motion carried.

### **Treasurer's Report**

Motion by Lemmons to accept the Treasurer's report as read; seconded by Berg. Roll call vote: Lemmons – aye, Berg – aye, Bischel – aye, Lotts – aye, Pitts – aye. Motion carried 5-0.

### **Reports and Requests of employees/officers**

#### **Public Safety**

**Law enforcement update** – Lieutenant Mitch Gibson, Chippewa County Sheriff's office, was present to report on public safety. He reported service information for September, three citations were issued and 12 traffic warnings. Language regarding enforcement of municipal ordinances has been added to the proposed contract. Steps are underway to add the village ordinances to the Tracs program so officers can issue municipal ordinance citations. For court proceedings it is recommended that one deputy be assigned to be court officer for the court date. If a person who is cited contests the citation at the initial court, then an additional court date should be scheduled and the issuing officer would then be required to come to the court and testify.

Discussed bartender policies for Bloomer and Chippewa Falls.

**Contract with Chippewa County Sheriff office** – moved to closed session later in the meeting.

Consensus of the Board to move the agenda item Reports and Requests of employees/officers – Board - Recommendation from the Planning Commission on Conditional Use Permit application and Action on the Conditional use application of John Stainbrook, Principal for Chetek Properties No. 2 LLC to accommodate parties present.

### **Board**

**Recommendation from the Planning Commission on Conditional Use Permit application**

Motion by Lemmons to accept the recommendation from the Planning Commission to grant a conditional use permit for John Stainbrook, Principal for Chetek Properties No. 2 LLC; seconded by Lotts. Motion carried.

**Action on the Conditional use application of John Stainbrook, Principal for Chetek Properties No. 2 LLC**

Motion by Berg to approve the conditional use application of John Stainbrook, Principal for Chetek Properties No. 2 LLC to operator a trucking business in an Agricultural zoned district at 210 W. Tarr Rd. Legal description: Lot 1 of Chippewa County Certified Survey Map No. 4573 recorded in Volume 21 of Certified Survey Maps page 69; of part of the SE ¼ - SE ¼, Section 2, Township 31 North, Range 10 West, Village of New Auburn, Chippewa County, Wisconsin; seconded by Lemmons. Roll call vote: Berg – aye, Lemmons – aye, Pitts – aye, Lotts – aye, Bischel – aye. Motion carried 5-0.

**Public Works** – Dan Moos was present.

**East St. lift station project update- change order, invoice approvals** – Larry Gotham was present from Morgan and Parmley. The East St. lift station is nearing an end. The Village has a one-year warranty on the project at completion. The manhole, located in Rosenbrook's field is still filling with water. A-1 hydro sealed today. The manhole repair needs to be finished. Mike Blodgett, WI DNR, will need to approve the change orders for the project. A-1 Excavating has made the final pay request.

Bischel made a motion to pay A-1 Excavating the final pay request. No second, motion retracted by Bischel.

Motion by Lotts to approve the A1 Excavating invoice for \$20,426.62 in three weeks if the manhole is fixed, if not retain \$1000 of the payments; seconded by Pitts. Roll call vote: Lotts – aye, Pitts – aye, Berg – aye, Bischel – aye, Lemmons – aye. Motion carried 5-0.

Motion by Lemmons to approve change order No. 2 for the East St. lift station project; seconded by Lotts. Roll call vote: Lemmons – aye, Lotts – aye, Pitts – aye, Berg – aye, Bischel – aye. Motion carried 5-0.

Motion by Bischel to approve the Morgan & Parmley invoice for payment of \$2,755; seconded by Lotts. Roll call vote: Bischel – aye, Lotts – aye, Bischel – aye, Pitts – aye, Lemmons – aye. Motion carried 5-0.

**Park shelter crack in concrete** – the park shelter has a crack across the floor and has heaved up around the posts. Repairs need to be made prior to adding additional side walk around the building. Bischel will contact the builder.

**Update Cty Hwy SS & M highway improvements** –The County is planning on redoing sections of Cty Hwy M and Cty Hwy SS in the Village. They plan on using concrete by the railroad tracks and they are putting in heavy asphalt in the other areas. Sidewalks, water and sewer are the Village's responsibility.

Village wants to replace the water main under the heavy asphalt in this area. This is costly but if we don't the Village would face major repair costs if the main breaks later. We anticipate that the main will be replaced under the area replaced with cement surface by the County's plan. Additional water mains under Front St. and Columbia St. that connect to Cty Hwy M need to be evaluated also. The Village needs engineering advice. The County is using SEH for the project.

Engineering Representatives from SEH met with Moos and Stanford about the highway improvement project. Estimated costs were given for the engineering and project work for Front St. to Columbia St. of approximately \$250,000. The County is planning on doing the project in 2018. This estimate did not include laterals to homes or manholes. With this short time frame it is difficult to obtain financial assistance due to the deadlines. It would be financially more feasible if the project was happening in 2019. To file for funding with the CWF or the SDWLF the deadline to file the Letter of Intent is October 19, 2017 with final approval in 2018, and funding in 2019. To file for a CDBG PF grant we would need to do a population income survey, this application is due in May with response back in August.

The Board discussed the pros and cons of using SEH for this project and staying with our current Engineering firm of Morgan & Parmley. Gotham stated that they would be able to get the Letter of Intent together to meet next week's deadline.

**Letter of intent for CWF and SDWLF -**

Motion by Bischel to approve filing the Letter of Intent for SDWLF and CWF funds, authorize Peggy Stanford to sign the Letter of Intent, and to use the Engineering firm of Morgan & Parmley; seconded by Lotts. Roll call vote: Bischel – aye, Lotts – aye, Berg – aye, Pitts – aye, Lemmons – aye. Motion carried 5-0.

Chippewa County Highway will need to be approached about moving the project into 2019.

**Sewer easement Troy Robey Property** – Troy Robey has no problem with changing the sewer easement.

Motion by Bischel to have a sewer easement drafted using the language as per the top page on the land survey for the Troy & Jennifer Robey property; seconded by Lemmons. Motion carried. The Board requests that the easement be filed with the Register of Deeds.

**Bid for televising and cleaning sewer mains**

Motion by Lotts to hire R&R Waste to clean and televise sewer mains located on Front St., alley between Main and Dell St. that was just surveyed, and W. Main St. where street construction is proposed; estimated cost of \$3824; seconded by Lemmons. Roll call vote: Lotts – aye, Lemmons – aye, Berg – aye, Pitts – aye, Bischel – aye. Motion carried 5-0.

**School bus signs on Cty Line Rd** – two School bus signs have been purchased by the Village for placement on County Line Rd. The signs will be placed on both sides of the road.

**Training for confined space**

Motion by Bischel to approve one public works employee to attend Confined Space training November 29, 2017 in Lake Hallie at a cost of \$100; seconded by Berg. Roll call vote: Bischel – aye, Berg – aye, Pitts – aye, Lotts – aye, Lemmons – aye. Motion carried 5-0.

**Old bleacher sale**

Motion by Lotts to donate the old bleachers with metal frame located at the old landfill site to the Sand Creek Youth League; seconded by Pitts. Motion carried.

**Temporary public works employee** – item moved to closed session.

**Budget requests for 2018** – Suggestions for the 2018 budget. Replace the 2008 Ford truck; storage shed in dump area; 3-point tow behind trimmer; John Deere loader for 1023 lawn mower; cement repair by hall; black top; sidewalks; and move water hydrant by old fire hall.

Moos also reported that the water tower has been washed. The intersection will be paved at the corner of Pine and Spruce Street next week by Chippewa County Highway. The line painting will need to wait until next spring – the county is out of paint. End loader needs 3000-hour checkup; cost around \$3000. Blue truck going in for alignment to Bloomer Ford. Stop sign markers are \$9.50 each or \$12.50 each with diamond grid. The old lift station pumps, the company is not interested in doing a trade but will buy out right; they will quote a price. The Park pavilion and bathrooms have been winterized.

**Clerk/Treasurer report** – Peggy Stanford reported.

**Insurance claim sewer backup** – Keith Pearson at 202 W. Dell St. reported sewage backing up into his basement on September 14, 2017. A claim was filed to Rural Insurance, the Village's insurance carrier. RI could find no negligence on the part of the Village and denied the claim.

**Email accounts for Board members** – email accounts have been established for all the Board members. Stanford provided the Board members a list of guidelines to follow in using the accounts.

**Business sign for E. Elm St.** – the business sign has been ordered and Chippewa County will be installing the sign in the next two weeks.

**Board Report –**

**Update tree removal from Klingenberg property** - moved to closed session.

**Miscellaneous Purchase orders**

Motion by Pitts to approve miscellaneous purchase orders totaling \$1,295.93; seconded by Lemmons. Roll call vote: Pitts – aye, Lemmons – aye, Lotts – aye, Berg – aye, Bischel – aye. Motion carried 5-0.

**Operator Licenses**

Motion by Bischel to approve the applications for a license to Service Fermented Malt Beverages & Intoxicating Liquors for Brian Aasen, Kylie Barton, Tani Flynn, Mary Greger, Richard Hemmingson,

Amanda Henning, and Samantha O'Konek provided qualifications for licensing have been met for the licensing year ending June 30, 2018; seconded Pitts. Motion carried.

Motion by Lemmons to approve the application for a license to Serve Fermented Malt Beverages & Intoxicating Liquors for Lisa Motzer provided qualifications for licensing have been met for the licensing year ending June 30, 2018; seconded Lotts. Roll call vote: Lemmons – aye, Lotts – aye, Pitts – aye, Bischel – aye, Berg – abstain. Motion carried 4-0 with one abstaining.

Motion by Bischel to deny the application for a license at this time to Serve Fermented Malt Beverages & Intoxicating Liquors for Holly Marie Anderson based on the recommendation of Officer Andrew Clark regarding her incomplete application and numerous unreported convictions and to offer a hearing before the board; seconded by Pitts. Motion carried.

Motion by Bischel to deny the application for a license at this time to Serve Fermented Malt Beverages & Intoxicating Liquors for Brittney Elliott based on the recommendation of Officer Andrew Clark regarding her incomplete application and numerous unreported convictions and to offer a hearing before the board; seconded by Pitts. Roll call vote: Bischel – aye, Pitts – aye, Berg – aye, Lemmons – no, Lotts – aye. Motion carried 4-1.

Clerk/Treasurer Stanford will notify Anderson and Elliott of the license denial and provide information that they may request a Board hearing on this action.

### **Resignation from Planning Commission**

Motion by Bischel to accept the resignation of Patricia Skar from the Planning Commission; seconded by Lemmons. Motion carried.

**Appointments to committees – No action.**

### **#17-06 Resolution to Adopt Deposit Schedules**

Motion by Bischel to adopt Resolution #17-06 to Adopt revised Deposit Schedules; seconded Lotts. Roll call vote: Bischel – aye, Lotts – aye, Pitts – aye, Lemmons – aye, Berg – aye. Motion carried 5-0.

### **Acceptance PSC rate file**

Motion by Lemmons to adopt the PSC water rate file Docket 4080-WR-103 by the utility effective for service beginning September 29, 2017; seconded by Pitts. Roll call vote: Lemmons – aye, Pitts – aye, Bischel – aye, Berg – aye, Lotts – aye. Motion carried 5-0.

### **#17-03 Ordinance Amendment to Water Rate**

Motion by Lemmons to adopt #17-03 Ordinance of the Village of New Auburn to Amend the Code of Ordinance with respect to Chapter 15 Public Utilities; adding Docket 4080-WR-103; seconded by Berg. Roll call vote: Lemmons – aye, Berg – aye, Bischel – aye, Lotts – aye, Pitts – aye. Motion carried 5-0.

### **Travis Turner, request from the Quarhouse to close a portion of Spruce St. during a benefit on October 7, 2017**

Motion by Bischel to close a portion of Spruce St. from the alley behind the bar to Main St. on Saturday, October 7, 2017 from noon to 11 p.m. for a benefit for Charlie Calkins to put up a tent; a certificate of insurance is to be provided and an indemnification agreement by Travis Turner; seconded by Lotts. Motion carried.

### **Request from Travis Turner, Agent Black Bear Spirits, LLC to extend the liquor license for an area of Spruce St. by the Quarhouse on October 7, 2017**

Motion by Berg to certify that the Village Board, has granted a temporary extension of the "Class B" retail license, licensed premises to Travis Turner, Agent for Black Bear Spirits, LLC at the Quarhouse, 152 E. Main St. to include a fenced-in area onto the adjacent Spruce St. and the back lot of the bar building at 152 E. Main St., for a benefit to be held on Saturday, October 7, 2017 from 3 p.m. to midnight.; seconded by Lotts. Roll call vote: Berg – aye, Lotts – aye, Bischel – aye, Lemmons – aye, Pitts – aye. Motion carried 5-0.

### **Vouchers**

Motion by Bischel to authorize payment of audited vouchers: General Fund - No. 19526-19558, ACH 17205-17211, 17213-17220, 17222-17223; totaling \$138,285.63; Sewer Utility Fund - No. 3597-3607,

ACH 17212, 17221; totaling \$34,126.81; Water Utility Fund – No. 3814-3824, totaling \$23,063.74; seconded by Lemmons. Roll call vote: Bischel – aye, Lemmons – aye, Lotts – aye, Berg – aye, Pitts – aye. Motion carried 5-0.

**Future agenda items**

**Proposed closed session pursuant to WI §19.85(1)(b); (c); (g)**

Closed session pursuant to W I§19.85(1)(b) discipline and licensing, specifically hearing on server license – not used.

Motion by Bischel to move to closed session pursuant to WI §19.85(1)(g) conferring with legal counsel and WI §19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise reasonability, specifically employee concerns; seconded by Lotts. Roll and call vote: Bischel – aye, Lotts – aye, Pitts – aye, Berg – aye, Lemmons – aye. Motion carried 5-0. Peggy Stanford and Brian Nodolf were present during closed session.

**Re-convene to open session**

Motion by Bischel to return to open session; seconded by Lotts. Motion carried.

**Consideration of issues discussed in closed session**

**Contract with Chippewa County Sheriff office**

Motion by Bischel to approve the two-year agreement with Chippewa County Sheriff's Office to provide law enforcement services in the Village pending review by Attorney Brian Nodolf; seconded by Lemmon. Roll call vote: Bischel – aye, Lemmons – aye, Lotts – aye, Pitts – no, Berg – no. Motion carried 3-2.

**Public Works – Temporary public works employee**

Motion by Pitts to outsource the lawn mowing one time this month; seconded by Lotts. Roll call vote: Pitts – aye, Lotts – aye, Berg – aye, Lemmons – aye, Bischel – aye. Motion carried 5-0.

**Special Meeting**

Motion by Bischel to cancel the special meeting for October 21, 2017 due to schedule conflicts and reschedule the special meeting to work on the budget to Saturday, October 28, 2017 from 2 – 5 p.m.; seconded by Berg. Motion carried.

**Adjournment**

Motion by Lemmons to adjourn the meeting at 10:20 p.m.; seconded by Lotts. Motion carried.

Respectfully submitted: \_\_\_\_\_  
Peggy Stanford, WCMC, Clerk/Treasurer

Approved: \_\_\_\_\_  
Donna Bischel, Village President