

Village of Birchwood  
101 N. Main Street  
PO Box 6  
Birchwood, WI 54817



Ashley Beffa  
ashley@birchwoodvillagewi.com  
Phone: 715-354-3300  
Fax: 715-354-7500

**The Board of Trustees of the Village of Birchwood -Regular monthly meeting**  
Was held on **Tuesday April 12th, 2022, at 6:00 pm**  
at the **Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817**

**Minutes**

**Zoom (Optional)**

**Link: <https://us06web.zoom.us/j/84581960853?pwd=STRDMDdNc1pvRUNUSEx2d0lxaHQwQT09>**

**Meeting ID: 845 8196 0853**

**Passcode: 284089**

Call meeting to order (Meeting is recorded) –VanGilder called to order at 6:03 pm.

Pledge of Allegiance –Recited

Roll call by Clerk: Present: R. VanGilder, M. Manning, B. Boatman, P. Parkos, B. Milligan

Also present: A. Beffa, T. Fee, A. Brunclik, Nick Nelson (MSA), L. Zillmer, D Wichser, K. George, Will Wallus, Amanda Reed, Deanna Davis, D. Rasmussen, Craig Sherman

Public Notice: Posted at the Birchwood Post Office, Village Hall, Gary's Grocery and Village Website.

Police Report –Traffic is starting to pick up. Brunclik reported he's been dealing with a lot of student issues at the school. A lot of mental health issues have been popping up. His key broke in the front door, so that was replaced. We have a new key and lock- along with a new sign out system. This will ensure we know who has keys. Adam is working on the legion burglary case. There is a suspect and a meeting on Monday to discuss a search warrant. He is continuing to work on policy and has almost completed the Use of Force policy update.

Public Works Report – Fee reported that he has been monitoring the wells at the sewer plants due to some issues he's been having. His recent report shows it is doing much better. Highest well was 8.6 -which is below the limit. Ron has been putting up signs and sweeping to keep run off out of the storm sewer. Tucker received the Well House Corrosion Control report. He will call for the new chemical for the sewer plant. 100 gallons will be delivered to hopefully speed up the process to get the sewer back to where it was. The numbers have come down for the water loss. Rural Water will come in next week to help us determine if there is a leak. Fee explained the process to expose any leaks. Parkos inquired about the street sweeper and what areas have been done. Tucker explained to the Board that you have to be careful using water in the sweeper this time of year due to the possibility of freezing.

Committee Reports: Dan Wichser reported for the BFCESD-They have reached their goal with the fundraising. They are going to continue with fundraising to help with any additional costs due to rising prices. May 24<sup>th</sup> is the target date set to break ground. Major excavation will start after that when the contractor can start. No definite timeline has been set. They will keep the Village updated. Ken asked if the Village has made a decision on the building yet. VanGilder stated that the Village was in favor and has set aside funds for it. The BFCESD is still waiting to get a decision from other entities. If any entity votes it down, they will need to start over. Manning thanked Dan for representing the Village at the BFCESD.

Correspondence – Craig Sherman-VanGilder stated he didn't see any email regarding this.

Citizen Comments on Agenda Items Only (Limit 3 minutes per person)

L. Zillmer added to the BFCESD conversation-she would like to see the Resolution and promissory note with the updated commitment numbers on next month's agenda for action. She updated the Board on the Cedar Lake meeting. Zillmer stated she sent an email regarding agenda items. Item # 13- she would like the Board to refer it to the Ordinance meeting for approval, see it posted on the website, and be adopted at the next meeting. Item #12- she agrees but would like it to be for BFCESD funds instead of general reserves. She agrees with Item #8 but would like to see it repaired including correcting the handicap spots. She doesn't feel that the design was done well when it was initially installed. Item #7- LZ states there was a fence ordinance that was adopted by the Board at one time. Item # 5- she feels the Village should rent out the property to the farmer until there is a recommendation from the Plan Commission. Item #4 LZ would like to have the Village have an attorney review any changes/exceptions to the East Hills Covenant. She voiced concern over the sale of 12 lots to one single entity because the Village would lose control over the Covenant as being the development committee. LZ doesn't feel the garage requirement should be omitted. She spoke about the value of the lots and tax collection.

*The meeting is open to the public and is handicapped accessible.*

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**Discussion/Action Items (No public comments allowed):**

1. Current agenda
  - a. Motion by Parkos 2<sup>nd</sup> by Milligan to approve April 12th, 2022, agenda- Carried 5-0
2. Approve Meeting Minutes
  - a. Motion by Manning 2<sup>nd</sup> by Boatman to approve the March 8th, 2022, Regular Board of Trustee minutes. Carried 5-0
3. Financials
  - a. Motion by VanGilder, 2<sup>nd</sup> by Parkos to Approve March 2022 Bills, Payroll, and acceptance of Treasurer's Reports. Carried 5-0
4. East Hills Subdivision
  - a. Discuss the option to extend the building covenant timeline in the East Hills Subdivision to 3 years after the sale of property. Wallus gave reasons why he felt it was beneficial for the Board to extend the building covenant timeline. He pointed out how long the property has been sitting with no development. LZ proposed working things out in the building contract rather than amending the Covenant. She also brought up the fact that Wallus is a fairly new developer. Zillmer stated that she didn't believe the Village has been proactively trying to sell the property until now. LZ presented the option of a counteroffer of payment in lieu of taxes. VanGilder asked Rasmussen about his opinion on getting rid of the Covenant. Dave did not feel this was a good idea due to the fact that it protects the other properties. He didn't feel this would be fair to the other homeowners. He felt adjusting the timetable to build would be a better option. VanGilder stated that the Village is who enforces the Covenant and can adjust it. Wallus gave his background in developing and investing. Parkos asked what type of foundations they were looking at. Wallus stated walk out or slab would probably be what would be constructed. Manning stated he did not feel the Covenant should be dissolved. Manning also felt this should be discussed in closed session. Manning didn't feel any lot should be given more than 2 extensions to build time. Wallus said there were other concerns with the Covenant he felt should be addressed. Wallus is in favor of dissolving the Covenant. VanGilder said this could be all addressed in a developer's agreement. Manning commented about the increase in taxes this year for the Village residents. He stated that getting homes built on these properties would definitely help get tax revenue into the Village which would be a benefit to everyone. Wallus stated their goal is to bring single family homes into the Village. Discussion was tabled.
  - b. Purposed offers with amendments to covenants for East Hills Subdivision Properties
    - i. Lots 3, 5, 6, 9, 10, 12, 13, 15, 17, 18, 19, and 20.-Tabled -we will set meeting date to negotiate and work out details in closed session.
    - ii. Motion by Manning 2<sup>nd</sup> by VanGilder to approve the offer to purchase from Amanda Reed for Lot 4 for \$13,500.00-to construct a prefab home with a concrete skirting- slab to make it look like a basement. Carried 5-0
5. Industrial Park
  - a. VanGilder discussed that we haven't received an offer on this property yet and are still looking into access to the property from Hwy 48. Motion by VanGilder 2<sup>nd</sup> by Parkos to approve farmers contract for 2022.-Carried 5-0
6. Birchwood School Fun Run and Fundraiser-Sprint Down Main-Alex Gilles gave event information. May 20<sup>th</sup>, 2022
  - a. Special Event Permit -Motion by Milligan 2<sup>nd</sup> by Parkos to approve. Carried 5-0
  - b. Street Closing Permit-Motion by Milligan 2<sup>nd</sup> by Parkos to approve. Carried 5-0
7. Request for Fence Ordinance
  - a. Craig Sherman and Peter Brown request for fencing ordinance to protect residential properties from commercial-Sherman gave background of Airtec's plan for the property that will be used for boat storage and parking. The neighbors have a problem with the chain-link fence Airtec is planning on building across their back yards. This type of fence does not provide any noise, privacy, or vision protection. Sherman presented the Rice Lake ordinance that specifies the requirement for a solid fence in between commercial and residential properties. He presented before and after pictures of his back yard. The BP light shines in his yard now as well. Sherman said he didn't see any ordinance through the Village and would like to have an ordinance like Rice Lake has adopted. VanGilder stated he spoke to Airtec and the plan is for a

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chain link fence with the privacy slats like the fence by Paul's Pizza Den. The opening will face D and Hwy 48. Sherman would like a solid barrier constructed between the properties. Parkos agreed it did open this area up. Milligan stated that Dan from Airtec said they would work with them to put up an agreeable barrier. Sherman doesn't believe that Airtec is going to do the right thing. VanGilder agreed we need an ordinance for this. J. Linville also addressed the Board regarding her upcoming flower farm. She is looking at a 6-foot hot-wired fence to keep the deer out. Linville's commercial lot is also abutting a residential property. She just wants the board to be aware of this. Adam and Melissa found an old ordinance that isn't in effect anymore. The current ordinance doesn't address fences separating commercial/residential properties. Motion by VanGilder 2<sup>nd</sup> by Manning to send this to the Ordinance Committee to review and put in place a fence ordinance. Carried 5-0

8. Northlakes Clinic
  - a. Discuss and possible resolution to order a replacement or repair of hazardous sidewalk abutting Northlakes Clinic on Main Street. Fee stated the sidewalk has gone down some. VanGilder would like Ashley to follow up with MSA on the legality of the current handicap spots. Tabled.
9. Letter of recommendation for Mosaic
  - a. Motion by Milligan 2<sup>nd</sup> by Parkos to approve sending an additional letter of support for Mosaic fiber optic broadband project. Carried 5-0
10. Doolittle Beach Bash
  - a. Motion by Boatman 2<sup>nd</sup> by Parkos to approve the DJ Contract for Saturday, July 23<sup>rd</sup>, 2022. Carried 5-0
11. Village Clean-up Day
  - a. Bids for refuse, mattresses, tires, etc. Republic estimate was not available. Beffa gave rates. Motion by VanGilder 2<sup>nd</sup> by Parkos to approve Republic and Liberty Tire contracts. Carried 5-0
12. General Reserve
  - a. Money Market account for the purpose of general reserves-Beffa informed the Board of the timeframe every year where the Village funds run low in the General checking due to paying out bills, etc. vs. Village revenues received. Brandon (accountant) suggested this account in order to be able to pull funds out to pay bills. Beffa said she usually has to transfer about \$50,000.00 a year to cover and feels this would be a good amount. The funds would be taken out of the LGIP and put into the Money Market account. We also get charged a wire transfer fee anytime we transfer out of this account. Beffa explained how the LGIP account works. The transfer was already done for this year. Ashley will look into the interest rates between the LGIP and Money Market and will update at the next meeting. Tabled.
13. Resolution 220-22
  - a. All updates on the map have already been through a Public Hearing and approved by the Board. Motion by Parkos 2<sup>nd</sup> by Milligan to Certify and Adopt Resolution 220-22 to update the Village Zoning map drafted by MSA on 3-8-2022. Carried 5-0
14. Board of Review
  - a. Motion by VanGilder 2<sup>nd</sup> by Manning to designate May 10, 2022, from 4:00 PM to 6:00 PM as the date and time for the annual Board of Review. Carried 5-0
15. Adjournment. Motion by Milligan 2<sup>nd</sup> by Manning to adjourn. Carried 5-0

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