

Village of Birchwood
101 N. Main Street
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Birchwood, WI 54817



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The Regular Monthly Board of Trustees Meeting
of the Village of Birchwood was held on
Tuesday July 9th, 2024, at 5:30 p.m.
at the Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817.

MINUTES

Pledge of Allegiance -Recited.

Roll call by Clerk: Present--R. VanGilder, B. Boatman, S. Milligan, T. LeBrocq, and R. Seffinga

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

Public Comments and Correspondence (on agenda items only – limit 3 minutes) Linda Zillmer voiced concern over the notice for agenda item #19. LZ stated the property should be kept in order to assure wellhead protection. She voiced concern over the sale not being competitive and also thought it should be left available for future businesses.

AGENDA ITEMS:

1. Motion by VanGilder 2nd by Boatman to approve current agenda. Carried 5-0.
2. Call Regular Board of Trustees Monthly Meeting to Order
3. Minutes-Motion by VanGilder 2nd by Milligan to approve minutes from June 11th, 2024. Carried 5-0.
4. Finances
 - a. Motion by VanGilder 2nd by Seffinga to approve June 2024 Treasurer Report. Carried 5-0.
5. Department Reports
 - a. Law Enforcement – Department report-None
 - b. Public Works – Department report on Sewer, Water, Streets, and Parks-Strand reported that he is mowing, spraying and weeding around the Village. The streetlights were tightened, and the flagpole was fixed. He is prepping for the Bluegill Fest. He's had no response from the DNR regarding the Tuscobia Trail issues. Fee reported on the Lift #1 overflow that occurred because of a power outage. Fee had cell phone issues and didn't receive the notification to get the generator going -in a timely manner. The proper paperwork notifying the DNR of the overflow was sent in immediately. Tucker received notice from the DNR that the paperwork was approved, and no further action was required. Viking is getting ready to paint the water tower. Fee is taking samples and should have the results on Thursday. If everything looks ok, he will shut the well off and let it drain down. At that point he will put the holding tank online and they will be able to start painting. Fee will keep the fire department informed.
 - c. BFCESD- Birchwood Fire Commission Emergency Service District Report-None
6. 304 S Vance St
 - a. Complaint filed by Ken Burrows against assessor regarding his 2023 Tax Bill. Burrows property is documented and registered as 501c3 Non-Profit and has applied and been forgiven for taxes since the deed was transferred over in 2019 for Low Income Housing. Assessor states she has not received all necessary supporting documentation required to verify such status. Board to review such documentation and discuss further action needed to reconcile this dispute. Burrows stated that he has never received a formal request for other information. He believes the property

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

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qualifies for low-income housing due to health issues of the residents living there. He reiterated that he has never received anything showing what he needs to send in. He would like a procedure he can follow, so he knows what information is needed. Village Assessor Owen replied that the burden of proof is on the property owner. 501C3 status doesn't automatically qualify you for the exemption. She has never received the correct forms. Owen added that in 2019, the Village attorney agreed that Burrows had not sent in any supporting documentation to be tax exempt. Owen continued to say that she has received the same form from him for years, no other information has ever been provided. In order to be considered low-income housing, there needs to be a contract with a federal, state or local program. She referred to the DOR Property Exemption guide. This is available on the DOR website. Boatman explained that the Board of Trustees doesn't have the power to make a decision on this. The Village hired a licensed assessor who decides this. Boatman asked Owen if she sent him the information he is requesting; Owen listed what she sent him. LeBrocq indicated that the procedure doesn't seem to have been followed. VanGilder asked about the forms that have not been filed and continued to read a portion of the letter that was received from our attorney. Back in 2019, the attorney indicated that the property would not be considered exempt with the information that was received. The attorney indicated that the Assessor could ask for the additional information needed to make a decision. Owen stated that Burrow would have to reapply with the correct form and include all the additional information needed. VanGilder voiced concern that this wasn't brought up at the Board of Review. Owen added that he could have contacted her at Open Book as well. Beffa offered to send Burrow the Property Owner guide that is available on the DOR website. Motion by VanGilder, 2nd by Seffinga to stand behind the Village Assessor and process the proper taxes that were charged. Carried 5-0.

7. Blue Hills Investment Update-Wallus did not attend.
 - a. Will Wallus to provide an update on Blue Hills Investment developments.
8. Operator License
 - a. Temporary License
 - i. Motion by Seffinga 2nd by Milligan to approve operator's license for Carrie Schnacky-Lion's Club Bluegill Fest. Carried 5-0.
 - b. Regular Operator License-Motion by Milligan 2nd by LeBrocq to approve the following operator's license. Carried 5-0.
 - i. Paul's Pizza Den - Audrey Zimmer, Madyson Schultz
 - ii. Ed's Coffee-Anna Leamy
 - iii. Gary's Grocery-Julie OlmsteadMotion by Seffinga, 2nd by LeBrocq to approve the following regular operator license. Carried 5-0.
 - iv. Synergy-Landen Gindt
 - v. Jason Market- Lori Dahle
 - vi. Bluegill Bar-Jason Lynch, Jacob Lynch, Madison Manka, Jayda Glenz, Sophie Franklin
9. Special Event Permit
 - a. Motion by VanGilder, 2nd by Seffinga to approve the special event permit for the National Night Out, August 6, 2024, at the BFCESD building located at 280 Edenharter Rd. Carried 5-0.

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10. Special Vendor Permit-Motion by VanGilder 2nd by Seffinga to approve the special Vendor Permit for the BFCESD – National Night Out event with vendors Cobblehaus Café & KJ’s Ice Cream-pending receipt of insurance information. Carried 5-0
11. Special Vendor Permit
 - a. Motion by Boatman 2nd by Milligan to approve the permit for the Lion’s Club – Bluegill Festival from July 19th, 2024-July 21st, 2024-Melby donut truck. Carried 5-0.
12. MSA (revised)
 - a. None--Change orders related to Water Tower Project and/or Corrosion Control Project (if any)
 - b. Contractor Applications for payment approval
 - i. Motion by Seffinga 2nd by Boatman to approve payment to Viking Industrial Painting for \$130,435. Carried 5-0.
MSA rep stated that we will possibly be on the temporary pressure tank for a couple of months. He added that we shouldn’t be alarmed by the initial color—there is a process to get it to the correct color. Viking will start as soon as Fee gets the drawdown done.
 - ii. Motion by VanGilder, 2nd by Boatman to approve payment to Springlake Contracting Inc for \$3,435 for final payment. Carried 5-0. Final payment for corrosion control project.
13. Municipal Sale of Land
 - a. Motion by Boatman, 2nd by Seffinga to approve the municipal selling of PID 65-106-2-37-10-25-3 01-000-007000, located on E Elm Ave, with the agreed upon selling price of \$1,000, and to deed over the partial lot of this municipal property to the interested abutting property owner, Barry VanGilder who owns PID 65-106-2-37-10-25-3 01-000-005000. Carried 5-0. Paperwork prepared by TM Title.
14. Resolution (revised)
 - a. Initial Resolution 253-24 to send to the Plan Commission introducing a resolution declaring that since the public interest requires it, a public way is vacated per Wis. Stat. 66.1003(4)(a).
 - i. Public way to be discontinued is the right-of-way lying to the north of the road known as East Chetac Avenue between Lot 1 of Block 15 of the Original Plat of the Village of Birchwood, Wisconsin, and Lot 2 of Block 20 of the Original Plat of the Village of Birchwood all in the Southeast quarter of the Southwest quarter of Section 25 in Township 37N, Range 10W, Village of Birchwood, Washburn County, Wisconsin. Motion by Seffinga, 2nd by Boatman to approve the initial Resolution 253.-24 to vacate the public way and award the land to Barry VanGilder and Chetac Haven, LLC. Carried 5-0.
 - b. Motion by Milligan, 2nd by Seffinga to approve the Initial Resolution 254-24 to send to the Plan Commission introducing a resolution declaring that since the public interest requires it, a public way is vacated per Wis. Stat. 66.1003(4)(a).
 - i. Public way to be discontinued is the right-of-way lying between Lots 7 through 12 of Block 22 of the Original Plat of the Village of Birchwood, Wisconsin and Block 23 of the Original Plat of the Village of Birchwood all in the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 25 in Township 37N, Range 10W, Village of Birchwood, Washburn County, Wisconsin. The discontinued public way will be vacated and the land awarded to the School District of Birchwood. Carried 5-0.
15. Park Advertising Program

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- a. Beffa gave an overview of the previous proposal. Beffa has received a lot of questions about the banners, but no one has signed up to advertise. She added that with the change the applicant would send Beffa the application and she would send the info to the banner vendor to have the banner made. Public Works would maintain the banners. Motion by Boatman, 2nd by Milligan to approve changes proposed by municipal clerk treasurer to use a primary printer for park advertising banners and change Park Advertising Program packages. Carried 5-0.
16. Ahern
 - a. Motion by VanGilder 2nd by Seffinga to approve contract for annual sprinkler inspection for Masonite public fire protection pump of \$715.00. Carried 5-0.
17. Board of Trustees Meeting
 - a. Motion by Milligan, 2nd by Seffinga to move the August Regular BOT meeting from August 13th to August 6th due to an election. Carried 5-0.
18. Election Worker
 - a. Motion by Seffinga, 2nd by LeBrocq to approve Teresea Naomi Labahn as backup election worker for August and November 2024 elections. Carried 5-0.
19. VanGilder announced the Closed Session by reading- Pursuant to 19.85 (1)C and 19.85 (1) (b) WI statute which, if discussed publicly, would likely have a substantial adverse effect upon the reputation of any person (s) referred to in such data. Beffa explained that she had a typo and the C should have been an (E). Motion by VanGilder to go into closed session with the Board, 2nd by Boatman. Carried 5-0.
 - a. Discussion on proposed offer from Christ Drost to purchase a part of the industrial park lot to build storage units. Reviewed proposal presented from June 11th, 2024, meeting and updated preliminary map of.
 - b. Discuss Village Garage Rent and Rental Agreement
20. Motion by VanGilder to close closed session, 2nd by LeBrocq. Carried 5-0. Motion by VanGilder, 2nd by LeBrocq to go into Open Session. Carried 5-0.
 - a. Motion by VanGilder, 2nd by Seffinga to accept the discussion in closed session-Sale agreement of \$54,000 for approximately 3.15 acres: the Village will pay a maximum of \$2500 for the survey costs-Drost will pay all costs over that amount; a 30 ft easement is granted to access property: 2 storage units will be built by the end of 2025. Roll call vote: Vangilder-yay, Seffinga-yay, LeBrocq- yay, Boatman-yay, Milligan-yay. Motion carried 5-0.
 - b. Possibly act on Village Garage Rental Agreement- Motion by VanGilder, 2nd by Boatman to send tenant a letter requesting payment in full by July 15th, 2024 or a 30 day eviction notice will be served. Roll call vote: VanGilder-yay, Seffinga-yay, Boatman-yay, Milligan-yay, LeBrocq-yay. Motion carried 5-0.
21. Adjournment-Motion by Milligan 2nd by Boatman to adjourn. Carried 5-0.

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