

Village of Birchwood
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The **Regular Monthly Board of Trustees Meeting** of the Village of Birchwood was held on **Tuesday, May 14th, 2024, after the Public Hearing and Special Planning Commission Committee Meeting starting at 6 pm**, Located at the **Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817.**

MINUTES

Call Regular Board of Trustees Monthly Meeting to order.

Pledge of Allegiance-Recited at Public Hearing.

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

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

Public Comments (on agenda items only – limit 3 minutes) Linda Zillmer is opposed to item #10 because many residents in the Village maintain ROW, #12c-Dairy State Bank shouldn't be included because they have already begun the work. Zillmer commented that the Village should wait to discuss Fire Protection until Ehlers gives their recommendations.

AGENDA ITEMS:

1. Motion by VanGilder 2nd by Milligan to approve current agenda. Carried 4-0
2. Motion by VanGilder 2nd by Seffinga to approve minutes from April 16th, 2024-Organizational/Board of Trustee meeting. Carried 4-0
3. Motion by VanGilder, 2nd by Boatman to approve April 2024 Treasurer Report. Carried 4-0.
4. Department Reports
 - a. Law Enforcement – Department report-Brunclik met with the new school principal to discuss how discipline and legal issues will be handled in the future. He has been dealing with issues at the school -such as bullying. Adam added that he is working on yard clean ups and monitoring burning due to high fire danger. He will be working on notices/citations soon. Cases he's working on include a neglect case and realty fraud case. Brunclik also attended Swat training.
 - b. Public Works – Department report on Sewer, Water, Streets, and Parks-Strand reported that the curbs are swept. He's going to check with the City of Rice Lake for a bid to sweep for next year. Projects he has completed include repairing washed out culverts, Doolittle repairs, dock sealing, repairing trim on the fish house, clean up for mowing, and ATV signing. DNR is repairing the trail. Strand commented that the Village will be getting reimbursed for the culvert that we installed on the trail. Strand received a new bid from L & L for the tennis court. The bid came in a little lower than the previous one. Strand will be putting up the Birchwood School Senior banners on Friday. The Ice Age Trail group is going to re-do the kiosk. Fee reported that he is getting fixed up with the chemicals. The DNR and the chemical distributor have 2 different recommendations. Cierra (DNR) stated that the DNR will want it done according to their specs. Fee will be doing additional sampling to make sure the Village is in compliance. The last samplings we had are the best they've been in a while. The Nitrogen level has been .10,.08, and .02. Fee feels that adding

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air to the 2nd cell has contributed to the improved samplings. Fee took down the basketball hoop and is having Cody repair it.

- c. BFCESD- Birchwood Fire Commission Emergency Service District Report-VanGilder reported that Mike (President) resigned yesterday due to health issues.

5. Land Division

- a. Contingent on sale of property, Chris Drost, on behalf of Trinity Lutheran Church, Motion by VanGilder, 2nd by Milligan to approve Chris Drost request, on behalf of Trinity Lutheran Church for a partial land division of Parcel ID 65-106-2-37-10-25-5 15-526-672000, 500 E Chetac Ave. Motion by VanGilder 2nd by Milligan to approve the land division. Carried 4-0

6. Rezone

- a. Contingent upon approved land division and sale of property, Chris Drost, on behalf of Trinity Lutheran Church, requesting rezone from Residential-1 zone to Commercial-1 for the purpose of constructing two self-storage buildings. VanGilder stated that the Public Hearing and Plan Commission meeting were held, and the rezone was denied 3-2. Seffinga commented that he didn't know there was water/sewer at the property. Seffinga would like to see the Village get the tax revenue but feels houses would look better than storage units. Milligan stated he would like to see it kept residential. He is concerned about the extra traffic it could potentially cause. Boatman would like to see houses as well, but he feels the Village needs the tax revenue at this time. VanGilder felt using the Industrial Park for storage buildings would be a better option. Fee stated that he felt that the Industrial Park was a great option for the units. Discussion on Industrial Park options. Motion by VanGilder 2nd by Milligan to deny the re-zone and leave it residential. VanGilder and Milligan voted in favor of the motion. Seffinga and Boatman voted against the motion. The property was not rezoned at this time.

7. Sidewalk

- a. Review and possibly approve bid for sidewalk repair due to water dig. Fee received a bid from Curt for \$850 to repair the sidewalk. Beffa commented that the price is the same per square footage- no matter the size of the job. Motion by Milligan, 2nd by Seffinga to approve Curt to repair the sidewalk. Carried 4-0.

8. Ernie Langosch

- a. Langosch voiced concern over a leaning tree on his property and the possibility of it pulling up the sewer lines if it falls. Langosch stated that 15 months ago, the DNR told Fee to take down the tree because the sewer lines could be damaged if it falls. Fee commented that the line was televised today and there were no roots in the line or problems near it. VanGilder stated that the tree must have fallen more last winter and is now in the water. Fee stated that the base is rotten, and he feels it will break off and not cause any damage if it does fall. Langosch commented that if the sewer lines get damaged, the Village will have to take care of it. Motion by VanGilder 2nd by Seffinga to pass on cutting the tree down by Ernie Langosch home. Carried 4-0. Langosch offered to cut up the tree and remove it- if the Village would cut it down.

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9. Doolittle Park

- a. Dan Greife inquired about a refund on behalf of Bill Meier due to health issues Bill is currently experiencing. Motion by Milligan 2nd by Seffinga to approve the seasonal refund of \$2200. Carried 4-0

10. Municipal Property

- i. Per Kevin Sweeney's verbal request, discuss plans of 66' ROW also known as Fuller St between Tax ID 29088 and 29173 and additional lot between Tax ID 29580 and 29579; deed to abutting property owners or sell lot to get on tax roll. Beffa provided a map of the property in question. The property is a ROW between B. VanGilder and K. Sweeney. The property is 66 ft wide. Strand stated that there is no room to run a road through here. Part of Kevin's house sits on this property. VanGilder suggested splitting it between the two property owners. Atwood stated that this wouldn't be a buildable lot with the setbacks. Boatman concurred that he felt the Village should offer it to both owners. Seffinga asked about vacating the ROW. Atwood said that if it was vacated the property would be given to the two adjoining landowners. Beffa added that it would then go on the tax roll and create revenue for the Village. Seffinga commented that VanGilder and Sweeney have been taking care of the property for years. VanGilder added that a survey would need to be done. The property owners would pay for the cost to vacate it. VanGilder brought up the triangle lot behind this. Fee and Strand commented that Longacre spoke to them years ago and expressed interest in buying it. Atwood added that if the purchase price was over \$5000 it would need to follow municipal rules. The triangle could be sold off as municipal property. VanGilder will ask C. Feather what he feels both properties are worth. Boatman commented that the ROW may not be worth very much. VanGilder agreed. Seffinga voiced concern over what might be done with the property if it sold to someone other than the 2 adjoining property owners. VanGilder stated that if it was vacated, the property owners would need to split the costs of the survey, etc, so that the Village wouldn't incur any expenses. Motion by Seffinga 2nd by Boatman to vacate the ROW and split the property between the landowners -with the conditions they pay for the survey and all processing fees. Carried 4-0.

11. Ordinance Amendment

- a. Motion by VanGilder, 2nd by Boatman to approve Ordinance Amendment 40-2024 as listed below in i. Carried 4-0.

Temporary Investment of Funds

- i. Text Amendment: Article V – Funds, Sec. 12-113 -Temporary investment of funds not immediately needed; amend text from Village/Clerk may invest any village funds not immediately needed, pursuant to Wis. Stats. 219.05. to Village Board of Trustees shall follow the Municipal Investment Policy for any village funds not immediately needed, pursuant to Wis. Stats. 219.05.
- ii. Beffa stated that at the last meeting the Board voted to have the Village complete any sidewalk work that is needed. Per State Statutes the Village is required to give

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the property owner 20 days to have the work completed. VanGilder voiced concern that the property owner may hire the more expensive contractor which will end up costing the Village more. The attorney added the verbiage that if the work exceeds \$5000, the Village wouldn't pay for any of the work because anything over \$5000 requires a public bid. If the work isn't completed within 20 days, the Village would then put the job out for bids. State Statute doesn't require the Village to pay anything towards the sidewalk repair/replacement. Boatman stated that the Village portion of 50% was previously discussed and agreed upon. This will not affect Dairy State Bank because they are grandfathered in because they already completed the work. Motion by VanGilder 2nd by Seffinga to amend Ordinance Amendment 37-2024 Repair or replacement of defective sidewalks, as it contradicts Wis. Stats. § 66.0907 and replace with Ordinance Amendment 41-2024 Sidewalks. Carried 4-0.

- iii. Motion by VanGilder, 2nd by Boatman to approve Ordinance Amendment 42-2024 Driveway Permit to Remove "no fee for a driveway permit" and change "village clerk/treasurer shall approve such application" to "Public Works Supervisor shall approve such application. Carried 4-0

12. Resolutions

- a. Resolution 246-24 Investment Policy
 - i. Motion by VanGilder 2nd by Milligan to amend motion made on April 16th, 2024, resolution # was 247-24 however due to typo; motion was approving Resolution # 246-24 Investment Policy, amend motion and approve correct resolution # adopting Resolution #247-24 Investment Policy. Carried 4-0.
- b. Resolution 248-24 Fee Schedule
 - i. Motion by Boatman 2nd by Seffinga to amend text for # of dogs from 3 to 5 per ordinance amendment. The Ordinance was previously passed by the Board of Trustees changing Kennel License from 3 to 5 dogs. Carried 4-0
- c. Resolution 251-24 Defective Sidewalks
 - i. Motion by VanGilder 2nd by Boatman to amend Resolution 246-24 Defective Sidewalks and adopt Resolution 251-24 Defective Sidewalks; Resolution 246-24 was not acted upon after adoption. New resolution to include adopted Ordinance Amendment 41-2024 Sidewalks and to exclude Dairy State Bank. Carried 4-0

13. Quotes

- a. AED
 - Motion by VanGilder, 2nd by Seffinga to have the BFCESD do the annual AED service for the Village of Birchwood. Carried 4-0
- b. Fire Extinguishers-Tabled
 - i. Review proposals and approve fire extinguisher maintenance contract. Ken George presented a list of contractors. Beffa stated that the fire extinguishers need to be serviced. Beffa gave an overview of the quotes. Fee commented that we need to add 4 more extinguishers. VanGilder asked for a spreadsheet with the total costs to be presented at the next meeting.
- c. Uniforms

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owner with an average assessment is currently being charged about \$132/annually. If it was converted to the utility bill, it would be approximately \$105.75/annually. Beffa asked if the estimated impact of a customer with a 5/8" meter would pay \$26.44/quarter, Brian confirmed. He reiterated that this is not a new charge, it would just be charged on the water bill instead of the property tax bill.

Brian stated that the PSC didn't have the Village charging a PILOT until 2022. At that time, it was \$18,000. This amount was not included in the original rate case application. The PSC is asking if the Village wants to keep the PILOT charge to the water utility. If the Village were to keep the PILOT, the file revenue adjustment would go from 29% to 43%. This is revenue to the general fund which is a counterbalance between these 2 items. The expenditures outweigh the revenues- which results in a net gain. The Village could eliminate the PILOT for this year and add it back in the future- if the General fund needs the revenue. This can be done at any time with a Resolution and doesn't need approval from the PSC. Keep in mind that this is an expense to the water fund. Beffa stated that the PILOT was put in place to try to offset the loss of revenue when the BFC moved from the firehall. The Village currently has a renter for the hall. She added that if we keep the PILOT, these funds could be used for future projects. Brian commented that this can be changed every year if needed.

15. Resolution

- a. No action taken-Resolution 249-24 Water Utility Tax Equivalent for Water Utility (PILOT)-
 - i. Approve Resolution 249-24 amending Resolution 226-22; the village no longer wishes to authorize the water utility tax equivalent payable to the general government pursuant to Section 66.0811 of Wisconsin Statutes.
- b. Discuss options. VanGilder suggested leaving Public Fire Protection on the tax bills. Trustees agreed.
No action taken- on Resolution 250-24 Direct Charge of Public Fire Protection-Approve Resolution 250-24 to convert the Public Fire Protection charge from the tax levy to a direct charge on the water bill.
- c. Standard Operating Procedures-VanGilder is having the Public Works department address this. Brian stated the Village has 6 months to develop water loss goals and incorporate them in a water loss control plan.

16. Republic Services

- a. Motion by VanGilder 2nd by Seffinga to approve the update to the 7-year contract to continue the donation of (2) 6-yard MSW containers held at the Birchwood WWTP, serviced on a weekly basis. Carried 4-0.
1. Adjournment. - Motion by Seffinga 2nd by Boatman and Milligan to adjourn. Carried 4-0.

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