

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



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The **Public Hearing and Regular Monthly Board of Trustees Meeting** of the Village of Birchwood will be held on **Tuesday June 13th, 2023, at 6:00 P.M.** at the **Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817.**

(PLEASE NOTE THAT THIS MEETING MAY HAVE A DELAYED START TIME DUE TO THE PLAN COMMISSION COMMITTEE MEETING AND PUBLIC HEARING FOR UNLISTED USE)

AGENDA

Call meeting to order (Meeting is recorded)

Pledge of Allegiance

Roll call by Clerk: 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.

-Police Monthly Report: May report

- Public Works Report -May report on Sewer, Water, Streets, and Parks

- BFCESD-Update on construction of new station

Correspondence

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

AGENDA ITEMS:

1. Approval of June 13th, 2023, agenda.
2. Move July Regular Board of Trustees meeting to July 10th, 2023 due to schedule conflicts
3. Approve Meeting Minutes
 - a. Regular Board of Trustee meeting minutes-May 9th, 2023
 - b. Board of Review-May 9th, 2023
4. Financials
 - a. Approve Bills, Payroll, and acceptance of Treasurer's Report – April 2023
 - b. Approve Bills, Payroll, and acceptance of Treasurer's Report – May 2023
5. Open Public Hearing
6. Citizen comments on the following Village Zoning Ordinance amendments recommendation by Planning Commission;
 - a. Ordinance Amendment 09-2023 Division 4 – RD Rural Development District
 - i. Sec. 28-121 – Permitted Uses
 1. Remove “Single-family dwellings”.
 - b. Ordinance Amendment 10-2023 Division 6 – CBD Central Business District
 - i. Amend Sec. 28-239 – Permitted Uses
 1. Remove “Multiple-family dwellings. Parking shall be required in accordance with article VIII of this chapter”.
 - c. Ordinance Amendment 11-2023 Division 7 – C-1 Community Business District
 - i. Amend Sec. 28-264 – Permitted Uses

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1. Remove "Multiple-family dwellings".
- d. Ordinance Amendment 14-2023 Changes and Amendments to Zoning Code
 - i. Amend Sec. 28.1048 – Changes and amendments, with the following changes:
 1. (d) Planning commission review (permitted, unlisted, and prohibited uses), hearing, and recommendation.
 - (1) The village clerk/treasurer shall transmit the petition to the planning commission.
 - (2) Hearing. The Planning Commission shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice under Wis. Stats. ch. 985. The Planning Commission shall also give at least ten days prior written notice to the village clerk/treasurer of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
 - (3) The village planning commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made within 60 days from which the petition is first received and shall be made in writing to the village board.
 2. Remove (e) Hearing.
 3. Move Village board action from (f) to replace (e) and Protest (g) to replace (f)
2. Close Public Hearing
3. Discussion and possible action on zoning amendments of what was discussed during the public hearing.
 - b. Ordinance Amendment 09-2023 Division 4 – RD Rural Development District
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 1. Remove "Single-family dwellings".
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2. Remove (e) Hearing.

3. Move Village board action from (f) to replace (e) and Protest (g) to replace (f)

4. Discussion and possible action on ordinance amendments

a. Ordinance Amendment 12-2023 Article III – Short Term Home Rentals

i. Reappeal Article III - Rental Housing Code

ii. Add Article III - Short Term Home Rentals

b. Ordinance Amendment 13-2023 - Direct Sellers

i. Amend Sec. 8-180 - Definitions

1. Add Mobile Vending Unit definition

ii. Amend Sec. 8-182 - Registration

1. Add (11) Proof of a Wisconsin's Sellers' Permit, if required.

2. Add (12) Name and address of local agent for service of process.

3. Add (13) Copies of any and all current licenses or permits required by the State of Wisconsin to carry on the planned activity governed by this Code.

iii. Add Sec 8-187 Regulations of mobile vendor units

c. Ordinance Amendment 15-2023 Article – Caring of Animals

i. Add Sec. 4-126 Management of cat population; Permitted Cats

1. (a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

(1) "Community Cat" shall mean a cat that is abandoned, stray, lost, or feral and that may be cared for by a community cat caregiver, known or unknown, pursuant to this ordinance.

(2) "Community Cat Caregiver" shall mean a person who provides feeding and medical care in accordance with and pursuant to the policy of Trap-Neuter-Return, while not being considered the owner, harborer, controller, or keeper of a community cat.

(3) "Trapper" a person who traps animals.

(4) "Eartipping" shall mean the removal of ¼ inch of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of licensed veterinarian, designed to identify the community cat as being sterilized and lawfully vaccinated for rabies.

(5) "Trap-Neuter-Return" shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

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2. (b) Permitted Acts. The following actions shall be permitted in the municipality in pursuance of the process of Trap-Neuter-Return;
 - (1) Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
5. Trap-Neuter-Return Policy
 - a. Adopt Resolution 233-23 Trap-Neuter-Return Policy in accordance with Ordinance Amendment 15-2023 Article VI – Caring of Animals
6. Fee Schedule
 - a. Adopt Resolution 232-23 Village of Birchwood Revised Fee Schedule and Applications
7. Birchwood/MSA Project Updates
 - a. Water Tower Rehab
 - b. Corrosion Control Improvements
8. Authorized Representative to File Applications for Financial Assistance Form State of Wisconsin Environmental Improvement Fund
 - a. Adopt Resolution 234-23 Resolution Authorized Representative to File Applications for Financial Assistance Form State of Wisconsin Environmental Improvement Fund
9. Declaring Official Intent to Reimburse Expenditure
 - a. Adopt Resolution 235-23 Declaring Official Intent to Reimburse Expenditure
10. Founders Park
 - a. Determine location
 - b. Lisa Damon regarding Founders Park and plans to develop.
11. Tennis Court
 - a. Reconstruction of Birchwood Tennis Court and funding options
12. Plan Commission Committee Member Replacement
 - a. Appoint new Plan Commission Committee (citizen) member in place of Paul Parkos for the remaining 2023-2024 term.
13. Village Hall Furnace Replacement
 - a. Review bids received and possibly accept bid for the replacement of the Village Hall furnace.
14. Consumer Maintenance Annual Report
 - a. Discuss, Approval of 2022 CMAR
15. LS Mower Replacement
 - a. Replace LS Mower. Finance and purchase new mower.
16. Front End Loader
 - a. Cost estimate for front end loader.
17. HIS Adult First Aid Certification
 - a. Continued education incentive for Dan Greife as he has completed the certification requirements of Adult/Child/Infant First Aid-CPR AED.
18. Special Event Permit
 - a. Lion's Club Bluegill Festival-July 21st-23rd, 2023.
 - i. Music on Main Street, Elm Ave to Birch Ave
 - ii. Approve Friday and Saturday festival ending time of 1:00 a.m.s

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19. Block/Street Closing Permit

- a. Lion's Club Bluegill Festival July 21st-23rd, 2023
 - i. Close Main Street from Elm Ave to E. Chetac Ave
 - a. Music Tents on Main Street
 - b. Parade from Catholic Church down Main Street
 - c. Water fights

20. Alcohol Beverages in Public areas

- a. Waive Ordinance Article VI. - Offenses Involving Alcohol Beverages Sec. 16-355 © during Bluegill Festival-July 21st-23rd, 2023.

21. Temporary Class "B" Retailers Licenses

- a. Lion's Club Bluegill Festival July 21st-23rd, 2023
 - i. Main Street from Elm to Park, Rest Park, and Firehall
 - ii. Baseball Field (All of Lot 8, Block 8) including concessions stand and inventory trailer.

22. Renewal Alcohol Beverage License Applications (July 1st, 2023-June 30th, 2024)-see folder.

- a. Munmeet LTD-Business Name: Gary's Grocery-Successor Agent-Gurjit Duhela
 - i. Request from Maninder Duhela to approve Successor Agent-Gurjit Duhela
 - ii. Class "A" Beer
 - iii. "Class A" Liquor
- b. MBGB Holdings LLC-Business Name: Blue Gill Bar-Agent- Mary Lynn Manka
 - i. Class "B" Beer
 - ii. "Class B" Liquor
- c. Bear Tracks Bar & Grill-Agent: Nathan E. Wittmer
 - i. Class "B" Beer
 - ii. "Class B" Liquor
- d. P & L Adventures LLC-Trade Name-Paul's Pizza Den-Agent: Paul S. Parkos
 - i. Class "B" Beer
 - ii. "Class B" Liquor
- e. QCorbel LLC-Trade Name: The Birchwood Café-Agent-Tyler LeBrocq
 - i. Class "B" Beer
 - ii. "Class C" Wine
- f. Eds Pit Stop LLC-Trade Name: Ed's Coffee & Trading Company-Agent: Stacy D Rurup
 - i. Class "B" Beer
 - ii. "Class C" Wine
- g. Amrik Enterprises LLC-Trade Name: Jason Market-Agent" Maninder K. Duhela
 - i. Class "A" Beer
 - ii. "Class A" Liquor
- h. Synergy Community Cooperative-Business Name: Birchwood Cenex-Agent: Heleyna Kasten
 - i. Class "A" Beer
 - ii. "Class A" Liquor
- i. DolgenCorp, LLC-Business Name- Dollar General Store #23731-Agent: Jessica Allen
 - Class "A" Beer
 - "Class A" Liquor
- j. Bakery & Coffee House LLC-Agent: Bridget A. Milligan

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- i. "Class C" Wine
23. Operator's License (July 1st, 2023-June 30th, 2024)-see folder.
Primary place of employment where license will be used.
 - a. Gary's Grocery
 - i. Applicants: Gurjit Duhela, Lori Clark, Pamela Landes, Julie Olmstead
 - b. Jason Market
 - i. Applicants: Maninder Duhela, Amy Sherman, Claudia Lapcinski, Kimberly Lane, Victoria Corton, Paige Rudolf
 - c. Bear Tracks Bar and Grill
 - i. Applicants: Nate Wittmer, Mark Jefson, Kitty Jefson, Jacqueline Anderson
 - d. The Birchwood Café
 - i. Applicants: Tyler LeBrocq, Jennifer Shannon
 - e. Blue Gill Bar
 - i. Applicants: Mary Manka, Jayda Glenz, Mathew Springer, Sarah Mullen, Jason Lynch, Jacob Lynch, Eden Nelson
 - f. Paul's Pizza Den
 - i. Applicants: Lisa M Parkos, Paul S Parkos, Shannon M Odalen, Rhonda M Schultz, Payton R Schultz, Greg Hayes, Mikayla Falstad, Jodene Skar
 - g. Ed's Coffee & Trading Company
Applicants: Stacy Rurup, Jennifer Garrett, Wendy Myers, Anna Leamy
 - h. Birchwood Cenex
Applicants: Heleyna Kastan, Landon Gindt, Alexis Streit, Mitchell Villiard, Kevin Kielas, Valerie Wing, Logan Saldana, Amberiel Jones
 - i. Dollar General Store #23731
Applicants: Jessica Allen (Agent), Jeanne Zimmerman
 - j. Bakery & Coffee House LLC
Applicants: Bridget A. Milligan
24. Temporary Operator's License-Bluegill Festival (July 21st-23rd,2023)-see folder.
 - a. Applicants: Darren Skar, Rocky VanGilder, Candyce VanGilder, Randall Seffinga, Robert Hayes, Jordan Clark, Carrie Schnacky
25. Application for Cigarette and Tobacco Products Retail License- (July 1st, 2023-June 30th, 2024)-see folder
 - a. MBGB Holdings LLC-Blue Gill Bar
 - b. Amrik Enterprises LLC-Jason Market
 - c. Munmeet LTD-Gary's Grocery
 - d. Dolgencorp LLC-Dollar General Store #23731
 - e. Synergy Community Cooperative-Birchwood Cenex
26. Adjournment

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