

**Village Board Meeting Minutes**  
April 22<sup>nd</sup>, 2024

- 1) Call to Order and Roll Call. – *President Laux called the meeting to order at 6:37 pm with roll call:*

***Present:***

*Bob Benz  
Amy Brandt  
Tony Genisot  
Tom Herrmann  
Joyce Laux  
Tyler Moore  
Kathy Salo*

***Absent:***

*None*

***Others Present:***

*Nick Halbach, Clerk-Treasurer  
Sadie Slotke, Deputy Clerk (virtual)  
Bruce Genskow, Utility Operator-In-Charge  
Devin Plate, MCO  
Mike Kaster, Cedar Corp.  
Brenda Stumpf, Rec Coordinator  
Tom Jack, PRUT Chair  
Jason Pausma, Calumet County*

- 2) Pledge of Allegiance. – *Recited.*

- 3) ***Approval of the Agenda. – Salo moved to approve the agenda. Benz seconded. Motion carried without dissent.***

- 4) Consent Agenda: All items will be approved in one motion. If discussion is desired by members, that item will be removed from the consent agenda and discussed separately immediately after consent agenda approval.

A. Approval of the Bills

B. Approval of Village Board Minutes: *April 8<sup>th</sup>, April 17<sup>th</sup>.*

C. Accept Report of Committees and Commissions: *Park, Rec, and Urban Tree Board (PRUT)*

D. Treasurer’s Report: *Fund Balance Report*

E. Operator’s License: *None.*

F. Appointments: *None.*

G. Correspondence: *None.*

H. *Other Routine, Non-Controversial Items.*

1. *MCO Summary*

2. *Change Request for VFD at Well A*

3. *DPW Fuel Tank Replacement*

4. *High Cliff Cemetery: Plot Sale*

***Salo moved to approve the consent agenda. Benz seconded. Motion carried without dissent.***

- 5) Registered Citizen Comments on Agenda Items.

*Mark Sissel of Veolia briefly introduced himself as the wastewater manager for the Algoma wastewater treatment plant, and noted he was available for any questions for Veolia’s request to visit the Village’s wastewater treatment plant.*

6) Presentation:

*Harris Byers of Stantec and Jason Pausma of Calumet County were present to go through their brief presentation regarding the Brownfield Assessment Program being run by the County. Byers explained the City of Brillion recently utilized the program to help redevelop the former Brillion Iron Works site. He noted some examples of brownfield sites include run-down buildings no longer occupied, or vacant lots that have sat empty for long periods of time.*

*Pausma noted the county has a one million dollar grant from the federal government to help local municipalities assess potential brownfield sites. He noted the grant is specifically for planning purposes such as remedial action planning or revitalization planning, and not for the action investment into brownfield sites. Pausma added there is no match requirement for the Village, and that any brownfield study can cover an area of parcels, not one specific parcel if desired. In responding to a question from Trustee Moore, Pausma noted the program just started at the county level, and that there are three proposals currently in the portfolio.*

7) Report of Village Officers.

A. Village President. – Nothing new to report.

B. Clerk/Treasurer. – Nothing new to report.

C. Fox Cities Area Room Tax Commissioner.

*Trustee Benz noted he had two meetings for the scholarship committee of the Champions Center as they determined the winners for this year's scholarships. He also noted the net income for the Champions Center was \$290,700 in FY23, coming in \$91,400 more than FY22. Benz added the new fieldhouse will be a 75 million dollar expansion that would move the Champions Center into the top five of largest sporting facilities in the United States. He also noted the axe and knife throwing championships are coming to the Champions Center next year.*

8) Engineer and/or Utility Operator.

*Utility Operator-In-Charge Genskow noted the DNR has been asking him to get all the Village's private well permits in order as the deficiency tests and new well permits need to be submitted by 6/30/2025. In responding to a question from Trustee Genisot, Genskow noted previously office staff would have submitted the reporting to the DNR. Engineer Mike Kaster noted the bid documents are ready to go for the end of the month for the wastewater treatment plant upgrade project, while the public information meeting for the B-24 Road Contract is scheduled for Monday April 29<sup>th</sup>.*

9) Administrator.

A. *State and Local Cybersecurity Grant Program*

***Salo moved to proceed with Interim Administrator Wessel’s recommendation. Moore seconded.***

*Trustee Herrmann questioned if this item should be under the consent agenda as there is no action for the Village Board to take. Trustee Genisot noted the consent agenda is for smaller items that should be non-controversial. Herrmann noted the Village Board should discuss how items get placed on the consent agenda moving forward. Trustee Benz noted he had a question of page 25 of the packet with the fund balance report as he would like to see the actual balances as of 3/31/24 and to see them with more frequency.*

*Trustee Moore noted the grant is critical for the Village to apply for once it becomes available, especially with more residents going with the new direct ACH for their utility bills.*

***Motion carried without dissent.***

10) Old Business:

*A. Request by Trustee Brandt to reconsider motion to defer action on Ordinance #2024-02.*

*Brandt moved to reconsider the motion to defer discussion to abolish the CDA until a review with a new administrator in place. Genisot seconded.*

*Trustee Genisot opined if the Village does not do anything differently with the development process, then the results will not change, as evidenced by a developer pulling his project during the last Village Board meeting. He noted the effect of abolishing the CDA in a timelier manner would remove the extra step that a developer would have to go through with the current CDA. In responding to a question from Vice President Salo, Genisot noted the CDA is still divesting the properties with their name of the deed regardless of action taken by the Village Board.*

*Trustee Herrmann noted he believes it is an internal procedural issue as if a developer comes to staff, they can still bring them forward to the Village Board. He added he would like to see an administrator give a recommendation based on their background whether the CDA carried value to the Village. Trustee Benz noted he agrees with Herrmann, noting he believes the best course of action is to wait until an administrator is in place, as almost all the work performed by the CDA would fall into the administrator’s responsibilities. Genisot reiterated his stance that the CDA no longer has any power to make decisions and that by abolishing the CDA, developers would have a more streamlined process.*

***Motion carried 4-3. Benz – Nay. Brandt – Aye. Genisot – Aye. Herrmann – Aye. Laux – Aye. Moore – Nay. Salo – Nay.***

11) New Business:

*A. E-Bikes: Consider Ordinance Language, Set Public Hearing.*

***Salo moved to approve per the PRUT Board's recommendation. Moore seconded.***

*Trustee Herrmann noted the language and logic behind the ordinance is to allow E-bikes on the Village trails, but there was legal review around using the word "toy" to clear a legal gray area. Trustee Brandt added a resident who is handicapped approached the PRUT Board about approving changing the ordinance language as without a change, they would technically be violating Village ordinance by riding their E-bike on the Village's trails. Rec Coordinator Stumpf noted the public hearing would be held at the Village Board's second May meeting.*

***Motion carried without dissent.***

- B. Resolution #2024-04: Authorizing the application of grant funding for rehabilitation of Pigeon Road Trail.

***Herrmann moved to approve Resolution #2024-05. Salo seconded. Motion carried without dissent.***

- C. Review stormwater engineering proposals and award contract.

*Trustee Genisot noted he read through a couple hundred pages to compare each of the bids submitted, and questioned how much the Village spends on stormwater engineering each year. Clerk-Treasurer Halbach noted in FY23 the Village spent \$12,500 for the MS4 report and illicit discharges.*

***Benz moved to approve the proposal submitted by McMahon and instruct staff to execute a service agreement for services as proposed. Salo seconded. Motion carried without dissent.***

- D. Review request from potential proposer for utility plant and system visit.

*Vice President Salo noted allowing a site visit would be setting a precedent that she did not want to set. Trustee Benz agreed as he believed there was enough of a description provided in the request for proposal document.*

***Benz moved to not do a walkthrough with any interested vendor. Salo seconded. Motion carried without dissent.***

- E. Concrete driveway aprons in road rights-of-way.

***Salo moved to continue with the ordinance as is with no changes. Moore seconded.***

*Herrmann noted he is not comfortable continuing with the current ordinance as written as historically the ordinance has not been enforced as more residents concrete their whole driveway. He stressed the need for the resident to have a choice whether blacktop or concrete is placed when the Village needs to tear up their driveway to operate in the right-of-way. Herrmann noted the Village should change the ordinance to avoid granting variances to*

residents who do not follow the existing policy. Genisot noted giving residents an option to have a credit amount that the Village would have spent on blacktop could be a potential solution.

Trustee Moore compared the situation to a mailbox replacement situation where if the Village destroys a mailbox while plowing snow, they would be responsible for replacing a standard mailbox, regardless of how much money a homeowner had stuck into the mailbox. He suggested changing the ordinance to something similar for driveways where if the Village destroys part of their driveway, they are obligated to repave with blacktop, or credit the homeowner the amount repaving blacktop would be, while the resident replaces their concrete driveway.

Engineer Kaster noted he was looking for clarification on how driveways impacted by the upcoming road projects should be handled as for this project, only three concrete driveways will be impacted. He noted it would be wise for the Village to change the ordinance for better clarity in the future. As for sake of this project, he would work to charge the difference in cost to the homeowner in the contract.

Herrmann reiterated the need for a homeowner to have options as opposed to the current ordinance, which forces homeowners to accept that the Village will only blacktop should the end of their driveway need to be dug up by the Village.

**Motion failed 1-6. Salo – Aye.**

**Herrmann moved to change the ordinance to allow for concrete driveways in rural settings with adding verbiage that indicated if the Village constructs or tears out a resident’s apron, they are responsible for the replacement at the current asphalt rate, and the homeowner would be responsible for replacing the concrete at their expense. Brandt seconded. Motion carried without dissent.**

F. *Brownfield Assessment Grant Program*

Herrmann suggested having the brownfield assessment program as agenda item for the Plan Commission. Genisot suggested also having the topic on the agenda for the PRUT Board also as anyone who has property in the Village should investigate utilizing the program.

G. *Review and take action on a Letter of Authorization for Construction Engineering Services for the 2024 Roadway Construction Project.*

**Herrmann moved to approve the letter of authorization for Construction Engineering Services with the consideration of the previous discussion regarding concrete driveways not to exceed \$50,000. Salo seconded. Motion carried without dissent.**

12) Matters to be placed on next agenda.

1. *Consent Agenda Clarification.*

2. *Mailbox Replacement Policy*
3. *State and Local Cybersecurity Grant Program Application*

- 13) Closed Session: (*Administrator Candidates Review*) Per Wis. Stats. §19.85(1)(c), the Village Board may move to a Closed Session when considering employment, promotion, compensation, or performance evaluation data of any public employee(s) over which the governmental body has jurisdiction or exercises responsibility.

***Salo moved to enter closed session at 8:14 pm. Herrmann seconded. Motion carried 6-1. Benz – Nay. Brandt – Aye. Genisot – Aye. Herrmann – Aye. Laux – Aye. Moore – Aye. Salo – Aye.***

- 14) Open Session: The Board may take action on any item listed in Closed Session.

***Herrmann moved to enter open session at 8:30 pm. Salo seconded. Motion carried without dissent.***

- 15) Adjournment.

***Salo moved to adjourn at 8:30 pm. Moore seconded. Motion carried without dissent.***

*Respectfully submitted for review and approval by Nick Halbach, Clerk-Treasurer.*