

**March 13, 2018** – President Hackl called the Meeting of the Muscoda Village Board to order at 7:00 pm in the Council Chambers of the Kratochwill Memorial Building. The following members were present: Anderson, Bartlett, Bindl, Blood, Miller, and Wiederholt. Also present: Schramm and Wardell.

**PROOF OF PUBLICATION:**

**MOTION** Anderson, second Blood to accept the Proof of Publication. **MOTION CARRIED.**

**PLEDGE OF ALLEGIANCE.**

**APPROVAL OF MINUTES:**

**MOTION** Bartlett, second Anderson to accept the minutes as presented.

**DISCUSSION AND ACTION ON THE FOLLOWING ITEMS:**

***Consider Award of Construction Bids-proposed test well for municipal well #4:***

Delta 3 Engineer Mark Digman was present to report on the bids that were received for the proposed test well project. Bids came in approximately \$15,000 to \$20,000 higher than anticipated. It was a short window to complete the project and most contractors already have their first jobs lined up. Digman suggested bidding in summer, with completion in October. **MOTION** Bartlett, second Bindl to reject both bids for the proposed test well #4 due to high cost. **MOTION CARRIED.** **MOTION** Blood, second Miller to advertise this summer for the same project with completion in the fall of 2018. **MOTION CARRIED.**

***Amending ordinance relating to abatement of public nuisances:*** If approved, this ordinance only requires one notice per season for people who fail to mow or shovel. **MOTION** Wiederholt, second Anderson to adopt an ordinance to amend sections of the Municipal Code of the Village of Muscoda, relating to Abatement of Public Nuisances. **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **ORDINANCE ADOPTED.**

***Ordinance regarding sex offenders:*** Chief Schramm presented the draft sex offender ordinance which prohibits registered sex offenders from loitering within 500' of certain places within the Village. **MOTION** Bartlett, second Blood to adopt an ordinance creating section 11-2-17 of the Municipal Code of the Village of Muscoda relating to Sex Offender Loitering. **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **ORDINANCE ADOPTED.**

***ATV/UTV route within the Village:*** Trustee Blood discussed the surrounding Townships and Counties considering allowing ATV/UTV's on public roads. Citizens from the Village were present to discuss allowing these vehicles on Village Streets. Chief Schramm explained that if ATV/UTV's are allowed the Village would have to decide if there would be designated routes and access routes or if they would be allowed on all streets; regulations/requirements; hours of operation; and such. This will be put on the April agenda.

***Sale of Squad #1 or keep for general Village use:*** Chief Schramm reported that the new squad should be here in April. Wardell noted that when the utility crew attends safety school two trucks are taken. Keeping the old squad really would not work for the utility as at times they pick items up from other utilities or transport hot sticks and such. **MOTION** Bartlett, second Blood to sell old squad and look into buying or leasing an extended cab pickup truck. **MOTION CARRIED.**

***Zoning law changes and Act 67:*** Attorney Wood updated the Board on the recent changes to the zoning law and how it relates to conditional uses.

***Maintenance/upkeep of Prairie Grass area:*** Trustee Bindl reported that the fence by the Prairie Grass is in bad shape and should be removed and not replaced. Johnson reported that Mark Cupp contacted her with information on burning the Prairie Grass and it is recommended to burn it off every other year. **MOTION** Bindl, second Anderson to remove the wooden fence in the area of the Prairie Grass. **MOTION CARRIED.**

***Upgrades to Village Office and equipment:*** Johnson explained that for safety, she would like the board to consider removing the interior hall window and replace with bullet proof glass and a drop slot for payments. Would also like permission to explore the idea of “standing” desk. **MOTION** Bartlett, second Wiederholt to obtain quotes on bullet proof glass for Village Office and get more information on upright/standing desks. **MOTION CARRIED.**

***Cemetery rules, regulations and easement:*** Revised regulations of the Cemetery were distributed after the March 6<sup>th</sup> Special Meeting. Trustee Bindl discussed a few changes including size of footings under the Monuments and Markers section. Changes were made accordingly. **MOTION** Miller, second Anderson to adopt the Cemetery Rules and Regulations (Bylaws) with the two changes. **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **MOTION CARRIED.** These bylaws will be published in the Progress and mailed to property owners.

***Street Laborer/Sewer Operator employment contract:*** As requested, Johnson prepared a Street Laborer/Sewer Operator Reimbursement Contract which states that the employee will remain with the Village for two years after receiving licensing for basic wastewater, ponds and lagoons, and swimming pool operator certification. If the employee leaves the Village’s employment, they will owe the Village all expenses related to such schooling. **MOTION** Anderson, second Blood to adopt the Street Laborer/Sewer Operator contract which states the employee shall reimburse the Village for all expenses related to such schooling if they leave employment within two years after receiving certifications. **MOTION CARRIED.**

***Relief of sewer charges for broken water line under home:*** Johnson reported that a residence used over 235,000 gallons of water in the month of February due to a leak under their mobile home. They are asking for relief on the sewer as it did not go down the sanitary sewer system. Their monthly average is 8,000 gallons. **MOTION** Bartlett, second Miller to forgive sanitary sewer charges for water leak under mobile home. **MOTION CARRIED.**

**LIBRARY BOARD REPORT:** no report this month.

**MUSCODA JOINT FIRE DISTRICT:** no report this month.

**CHAMBER OF COMMERCE REPORT:** no report this month.

**GRANT COUNTY ECONOMIC DEVELOPMENT REPORT:** Trustee Miller reported on the monthly meeting that was held in Hazel Green. He also noted that UW Extension Resource Agent James Schneider noted that he is available to assist with marketing the Village Parks.

**FESTIVAL COMMITTEE REPORT:**

The Committee met on March 5, 2018 to work on Festival activities. Johnson announced that Festival Chair Linda Post worked on a grant application for expanded activities for this year’s festival and Muscoda was successful and will receive approximately \$2,400 in funding. **MOTION** Bartlett, second Blood to accept the report. **MOTION CARRIED.**

**POLICE REPORT:**

Chief Schramm submitted his monthly report. He noted that in 2017 there were 66 criminal cases. There was a recent emergency detention that took several hours and cost over \$1,200; Monroe County will be billed for these services. The cameras at the parks are getting old. **MOTION** Bindl, second Bartlett to accept the report and purchase new cameras for the park. **MOTION CARRIED.**

**SUPERINTENDENT REPORT:**

Wardell submitted his monthly report. He also reported that the bathhouse and Jaycee Ballpark restrooms are open. Wardell will be attending the water conference at the end of the month to obtain his credits for water license. **MOTION** Anderson, second Wiederholt to accept the Superintendent's report. **MOTION CARRIED.**

**ADMINISTRATOR CLERK-TREASURER REPORT:**

Johnson submitted her monthly report along with correspondence from WPPI Energy, District IV Clerk's meeting registration, and League Insurance meeting in May. **MOTION** Anderson, second Bartlett to accept the report, authorize Cinda Johnson, Laura Faga and Jerry Bindl to attend the District IV Clerk's meeting, authorize Jerry Bindl and Dorothy Hackl to attend the annual WPPI dinner meeting on April 12<sup>th</sup> in Mazomanie. **MOTION CARRIED.**

**LICENSES:**

**MOTION** Bartlett, second Anderson to accept the applications and grant temporary Class B Beer licenses to Muscoda Fire Department for Steak Feed on May 19<sup>th</sup> and Chicken Bar-B-Que on September 9<sup>th</sup>, and operator license for Tiffany Brennum. **MOTION CARRIED.**

**PAYMENT OF INVOICES:**

**MOTION** Blood, second Bartlett to approve the invoices as presented. **ROLL CALL VOTE: YES:** Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **MOTION CARRIED.** Miller abstained.

**The following items were discussed in closed session:**

1. Review applications for Cemetery lawn care-closed session Wis SS 19.85(1)(c)
2. Revolving Loan application #18-01-closed session Wis SS 19.85(1)(f)
3. Deed and deed restrictions for Industrial Park Land-closed session Wis SS 19.85(1)(f)
4. Sale of Industrial Park Land-closed session Wis SS 19.85(1)(f)
5. Purchase of land for proposed ATC electric project-closed session Wis SS 19.85(1)(e)

**ADJOURNMENT INTO CLOSED SESSION:**

**MOTION** Miller, second Bindl to adjourn into closed session to review application for Cemetery lawn care pursuant to Wis SS 19.85(1)(c); Revolving Loan application #18-01, Deed and deed restrictions for Industrial Park Land and Sale of Industrial Park Land pursuant to Wis SS 19.85(1)(f) and purchase of land for proposed ATC electric project pursuant to Wis SS 19.85(1)(e). **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **MOTION CARRIED.**

Chief Schramm left at this time.

**Review applications for Cemetery lawn care:** One application was received from William Phetteplace. Pay will be the same as 2017-\$300 per mowing. While cleaning, raking, trimming trees, etc wage will be set based on previous employees who reported approximately 20 hours per mowing which would equal \$15 hour.

***Deed and deed restrictions for Industrial Park Land and Revolving Loan application #18-01:*** Attorney Wood explained that he has spent considerable time on the project with their Attorney. Several changes/corrections have been made to the Restate Repurchase Agreement; most all upon the request of Cool Zone's Attorney. The only outstanding issue relates to fees if the Village needs to enforce the Agreement. The language in the agreement says that if the Village needs to enforce the Agreement, Cool Zone is responsible for expenses relating thereto for the term of the Agreement; which is 10 years. Randy Versnik, the other partners and their Attorney want that language removed. After discussion with the Board, Randy and Joe Hall agreed to change the language to two and half years after execution of the Agreement.

Discussion on title of the land between KRH to the Village and Village to Cool Zone. Attorney Wood noted that it would be easier to track if the land came back to the Village from KRH Properties. Then once the Restated Repurchase Agreement is signed, proceed with filing transfer papers from the Village to Cool Zone. Cool Zone will pay for title insurance costs and Register of Deeds fees.

Versnik explained that since the February meeting, their bank has agreed to release the racking for the Village to use as collateral. With that information the Village set the following terms: Loan amount is \$210,000; 2% interest; 1-year deferral on loan; payments will be amortized over 7 years with no balloon payment; funds will not be released until State approved plans are received. Versnik and Joe Hall were present and verbally agreed to this.

***Purchase of land for proposed ATC electric project:*** Wardell and Trustee Bindl reported that they have met with ATC and they want the Village to purchase some land around the existing substation on Nebraska Street for a new substation switching station. The Village would purchase the land, grade, gravel and fence. ATC would then lease the land from the Village. A switching station in Muscoda would assist in quicker response time if there was an outage.

The Board discussed purchasing the land north and east of the substation on Nebraska Street. This property is owned by the Jim Mathew's family. **MOTION** Bindl, second Bartlett to refer this to the Plan Commission and authorize them to negotiate purchasing up to three acres (property north and east of existing substation) at a price not to exceed \$15,000 per acre from the Jim Mathew's Estate. **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **MOTION CARRIED.**

***Sale of Industrial Park Land:*** **MOTION** Miller, second Blood to counter offer Chris and Janean Craig at \$12,000 for all property between SWAT and Nuts & Bolts and they are responsible for Certified Survey Map. **MOTION CARRIED.**

**RECONVENE IN OPEN SESSION:**

**MOTION** Blood, second Wiederholt to reconvene in open session. **ROLL CALL VOTE: YES:** Wiederholt, Blood, Bartlett, Bindl, Anderson, Miller and Hackl. **NO:** none. **MOTION CARRIED.**

**ACTION ON CLOSED SESSION MATTERS:**

**MOTION** Bindl, second Anderson to hire William Phetteplace for Cemetery Lawn Care at \$300 per mowing and \$15 per hour while cleaning, raking, trimming trees. **MOTION CARRIED.**

**MOTION** Anderson, second Miller to authorize the recording of the deed from KRH Properties, LLC, to the Village to transfer Part of Lot Two (2) of Certified Survey Map No. 843 recorded in

Volume 7 of Certified Survey Maps, page 24, Document No. 637880 on March 1, 2002, which lies West of the right-of-way of Howard Street, and being located in the Northeast Quarter (N.E. ¼) of the Southeast Quarter (S.E. ¼) of Section Twelve (12), Township Eight (8) North, Range One (1) West, Village of Muscodia, Grant County, Wisconsin, back to the Village of Muscodia and to authorize a check to be executed for \$201.60 payable to the Register of Deeds for payment of the transfer return in the amount of \$171.60 and recording fees of \$30. **ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, Wiederholt and Hackl. **NO:** none. **MOTION CARRIED.**

**MOTION** Anderson, second Bartlett to authorize the Village President and the Village Clerk for the Village of Muscodia to sign a deed to transfer Part of Lot Two (2) of Certified Survey Map No. 843 recorded in Volume 7 of Certified Survey Maps, page 24, Document No. 637880 on March 1, 2002, which lies West of the right-of-way of Howard Street, and being located in the Northeast Quarter (N.E. ¼) of the Southeast Quarter (S.E. ¼) of Section Twelve (12), Township Eight (8) North, Range One (1) West, Village of Muscodia, Grant County, Wisconsin, to Cool Zone, LLC with the following conditions:

1. Cool Zone, LLC, will pay the real estate transfer return fee,
2. Cool Zone, LLC, will pay the recording fee,
3. Cool Zone, LLC will pay all title insurance costs, and
4. The Restate Repurchase Agreement as presented to the Board with the amendment to Section 3 to allow the attorney's fees to be paid by Cool Zone, LLC, for any breach of the Agreement for 2 ½ years as opposed to the entire term of the contract, will be recorded at the same time as the deed described above.

**ROLL CALL VOTE: YES:** Miller, Anderson, Bindl, Bartlett, Blood, and Wiederholt. **NO:** Hackl. **MOTION CARRIED.**

**MOTION** Bartlett, second Wiederholt to approve Revolving Loan #18-01 in the amount \$210,000; 2% interest; 1-year deferral on payments; full monthly payments with no balloon at end of loan; collateral will be 1<sup>st</sup> position on raking; and funds will not be disbursed until state approved plans are received. **ROLL CALL VOTE: YES:** Wiederholt, Blood, Bartlett, Bindl, Anderson, Miller and Hackl. **NO:** none. **MOTION CARRIED.**

**ADJOURNMENT:**

**MOTION** Bartlett, second Anderson to adjourn. **MOTION CARRIED.**

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**Cinda Johnson, Village Administrator Clerk**

