

REGULAR MEETING – May 11, 2021

President Hackl called the meeting of the Muscoda Village Board to order at 7:00pm in the Council Chambers of the Kratochwill Memorial Building. The following members were present: Anderson, Imhoff, E Johnson, Seifert and Wiederholt. Also present: Schramm, Wardell and Johnson.

PROOF OF PUBLICATION:

Motion Anderson, second Wiederholt to accept the Proof of Publication. **Motion carried.**

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES:

Motion Anderson, second Imhoff, to accept the Regular and Special minutes as presented. **Motion carried.**

AD HOC COMMITTEE REPORT ON FOOD TRUCKS AND FOOD STANDS:

Chief Schramm reported on the two Committee meetings and explained that the draft ordinance was included in packets. Several of the sections in the ordinance were taken from other municipalities. Items specific to Muscoda are: \$20 permit fee, two permits per month with one being any day of the week and the other between Monday and Thursday only, hours of operation same as park time closing time and no food trucks/stands on Wisconsin Avenue and Front Street.

Attorney Wood explained the email that was received this afternoon from the Institute for Justice regarding an opinion from a Trial Court Judge in Door County, Wisconsin with restrictions on food trucks. The opinion discusses restrictions to free commerce as it relates to food trucks. Wood explained that an opinion is not a binding law; but with the restrictions that are in the draft ordinance, he didn't know if the Village's ordinance would stand up in court.

Dan Behrens asked with this Trial Judge opinion how other communities have restrictions regulating food trucks in their town.

The Board discussed removing the restrictions in the draft ordinance: days of operation, times, and number of permits per vendor. The Institute for Justice has a template ordinance and some Board members would like to review that.

Motion Anderson, to adopt the food truck/food stand ordinance with removal of operation times, number of permits per month and days of the week. President Hackl called for a second to the motion three times. The motion failed for a lack of a second.

DISCUSSION AND ACTION ON THE FOLLOWING ITEMS:

- a. Discussion and action on Resolution Authorizing the Issuance and Sale of Up to \$222,432 Water System Revenue Bonds, Series 2021 and Providing for other Details and Covenants with Respect, and approval of related \$556,080 Financial Assistance Agreement:* Administrator (Admin) Johnson explained that the well house project cost \$1,432,080. The Village received \$876,000 in Community Development Block Grant Funds leaving a balance of \$556,080. The Village applied to the DNR Safe Drinking Water Loan program and is eligible for \$333,648 in loan forgiveness funds and the remaining balance will be a loan with the DNR at less than 1% interest. **Motion** Imhoff, second Anderson to approve the Resolution Authorizing the Issuance and Sale of Up to \$222,432 Water System Revenue Bonds, Series

2021 and Providing for other Details and Covenants with Respect Thereto. **Roll call vote: Yes**-E Johnson, Wiederholt, Imhoff, Anderson, Seifert and Hackl. **No**-none. **Resolution Adopted.**

- b. Bond related documents:** included in item a.
- c. Approval of DNR Financial Assistance Agreement:** **Motion** Wiederholt, second Seifert to approve the DNR Financial Assistance Agreement documents for the Safe Drinking Water Loan in the amount of \$333,648. **Roll call vote: Yes**-Seifert, Anderson, Imhoff, Wiederholt, E Johnson and Hackl. **No**-none. **Motion carried.**
- d. Wellhead Protection Plan:** Wardell explained the Wellhead Protection Plan and that it limits wells within a certain area of the Village's wells. **Motion** Anderson, second E Johnson to approve the Wellhead Protection Plan. **Motion carried.**
- e. Wellhead Protection Ordinance:** This ordinance adopts the Wellhead Protection Plan. **Motion** Wiederholt, second Imhoff to adopt the Wellhead Protection Plan Ordinance. **Motion carried.**
- f. Update on substation expansion project, distribution upgrades and payment in lieu of taxes:** Wardell explained that the Village has received notification that the Certificate of Authority (CA) to proceed with the expansion to the Industrial Park substation has been approved for \$3.1 million dollars. The CA for the distribution upgrades has not been filed, however, Engineer Krause informed Wardell that it would be done by the end of May. Admin. Johnson explained the payment in lieu of taxes (PILOT). The electric utility pays the general fund a stipend amount for its assets within the Village limits referred to PILOT payment. This PILOT payment is included in the electric rates and is recorded as a revenue for the Village. As a Board, you have the option to put a cap on the PILOT payment as it will increase with all the new assets or let it pass through the rates. A decision will need to be made before the new rate case is filed this fall.
- g. Purchase of squad car:** Chief Schramm reported that he received two quotes from Fillback Ford for replacement of Squad #2. Dodge Durango-\$31,415 or a Ford Explore-\$33,260 plus \$8,760 to equip the new SUV with Police equipment. This is a budgeted item and funds have been set aside for this transaction. **Motion** Imhoff, second Wiederholt to approve the purchase of a 2021 Dodge Durango for \$31,415 plus \$8,760 to equip the new squad. **Roll call vote: Yes**-E Johnson, Wiederholt, Imhoff, Anderson, Seifert and Hackl. **No**-none. **Motion carried.**
- h. Access to Municipal Buildings during Morel Festival:** The Festival Committee inquired about use of Kratochwill Building and Library during the Festival. General opinion is to keep the building closed to the general public. **Motion** Seifert, second E Johnson to keep the Kratochwill Building and Library restrooms closed to the public during the Morel Festival. **Motion carried. Hackl voted no.**
- i. Closing various streets for Festival use:** **Motion** Anderson, second Wiederholt to close various streets for Festival Use and no parking on Wisconsin Avenue from the Railroad tracks to the south edge of Nebraska Street. **Motion carried.**
- j. Work hours for Public Works and Utility Employees:** Wardell asked the Board to consider changing the Public Works and Utility Crew hours that currently work from 7a-3:30pm Monday through Friday to 7a-4:30pm Monday through Thursday and 7a-11am on Friday; these would be summer hours and change when time changes in the spring and fall. In speaking with other utilities that use summer hours they say production has increased by doing "summer hours". **Motion** Anderson, second Wiederholt to change the Public Works and Utility to approve summer work hours to: 7a-4:30pm Monday through Thursday and 7a-11am on Friday. **Motion carried.**
- k. Appointments to Committees and Commissions:** President Hackl announced that she is still seeking individuals for available positions.
- l. Craig's Auto Sales deed agreement:** Clerk Johnson announced that Craig's have not started construction but have submitted plans to the State and have contracted by Cleary Building for

construction. **Motion** Wiederholt, second E Johnson to grant an addition year for Craig's Auto Sales to complete construction. **Motion carried.**

m. Annexation of property recently purchased: Attorney Wood explained that he has started the annexation of the 32 acres that were purchased.

LIBRARY BOARD REPORT: The Library is now open to the public with limited hours.

CHAMBER OF COMMERCE REPORT: none.

FESTIVAL COMMITTEE REPORT:

Committee met on April 19th and May 3rd to finalize activities for the Festival.

REPORT ON MEETINGS ATTENDED BY BOARD MEMBERS & ACTION ON ATTENDANCE AT VARIOUS MEETINGS: Hackl participated in the April zoom meeting of Grant County Economic Development. **Motion** Imhoff, second Anderson to approve President Hackl to attend WPPI meetings as necessary and approve Hackl and C Johnson to attend the Grant County Economic Development meeting in Cassville. **Motion carried.**

POLICE REPORT:

Chief Schramm submitted his monthly report and noted that he is looking to get an ATV/UTV. **Motion** Anderson, Imhoff to approve the Police report. **Motion carried.**

SUPERINTENDENT REPORT:

Wardell submitted his monthly report. Preparing for Festival and opening pool. **Motion** Wiederholt, second Anderson to approve the Superintendent Report. **Motion carried.**

ADMINISTRATOR CLERK-TREASURER REPORT:

Johnson submitted her monthly report. Working on and preparing for Festival, conducted Board of Review-no objections filed, schedule meeting for June 9th to meet with SWRPC, Grant County Economic Development and Delta 3 in regards to funding options and development plan for the 45 acres on County P, and early bird pool passes. Board discussed conducting a tour of municipal operations as it has been a few years since one was done. **Motion** Imhoff, second Anderson to accept the Administrator report, hold a Special meeting on June 9th and to offer Early Bird pool passes with \$10 off seasonal passes through June 3rd. **Motion carried.**

ACTION ON LICENSES/PERMITS: **Motion** Seifert, second Anderson to accept the applications and grant operator licenses to: American Legion –Morel Festival, American Legion-Burgers in the Park, and temporary operator licenses to Stephen Kraak-Morel Festival. **Motion carried.**

PAYMENT OF INVOICES:

Motion Anderson, second Bartlett to approve the invoices as presented required checks for the Festival. **Roll call vote:** Yes-Seifert, Anderson, Imhoff, Wiederholt, E Johnson and Hackl. **No-**none. **Motion carried.**

CLOSED SESSION MATTERS:

- Review job applications and set interviews for: Street Laborer and discussion on holiday pay during orientation for new hirers: Wis. SS 19.85(1)(c)
- Purchase of property: Wis. SS 19.85(1)(e)
- Revolving Loan fund payment updates: Wis. SS 19.85(1)(f)
- Review applications and make selection for WPPI & Utility Scholarships: Wis. SS 19.85(1)(f)

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Motion Imhoff, second Seifert to adjourn into closed session to review job applications and set interviews for Street Laborer and discuss holiday pay during orientation for new hirers pursuant to SS 19.85(1)(c); discuss purchase of property pursuant to SS 19.85(1)(e); receive update on Revolving Loan payments pursuant to SS 19.85(1)(f); and review applications and select recipient for WPPI & Utility Scholarships pursuant to SS 19.85(1)(f). **Roll call vote: Yes**-E Johnson, Wiederholt, Imhoff, Anderson, Seifert and Hackl. **No**-none. **Motion carried.**

RETURN TO AND RECONVENING IN OPEN SESSION: Motion duly made and seconded to reconvene into open session. **Roll call vote: Yes**-Seifert, Anderson, Imhoff, Wiederholt, E Johnson and Hackl. **No**-none. **Motion carried.**

ACTION, IF ANY, AND IF REQUIRED BY LAW TO BE TAKEN IN OPEN SESSION ON CLOSED SESSION MATTER:

Motion duly made and seconded to hold a Special Meeting on Wednesday, May 19th to conduct interviews for Street Laborers and to approve Caitlin Nachtigal and Aliyah Sander as recipients of \$1,000 scholarships each. **Motion carried.**

ADJOURNMENT: Motion Wiederholt, second Bartlett to adjourn the meeting. **Motion carried.**

Cinda Johnson
Cinda Johnson, Village Administrator