

Village of Cross Plains Board of Trustee Meeting

Regular Meeting Notice and Agenda

Rosemary Garfoot Public Library Community Room
2107 Julius St
Cross Plains, WI 53528
(608) 798-3241

Tuesday, May 26, 2020
6:00 pm

I. Call to Order, Roll Call, and Pledge of Allegiance

President Lengfeld called the Village Board meeting to order at 6:00 p.m.

President Lengfeld suspended Robert's Rules of Order.

Present: Trustees Bill Brosius, Lori Zander, Sarah Francois, Judy Ketelboeter, Michael Pomykalski, Kevin Thusius and President Jay Lengfeld.

Also Present: Village Administrator/Clerk Bill Chang, Doug Brunner, Mike Wollmer, Barbara Wollmer Park and Recreation Director Mike Axon, and Police Chief Tony Ruesga.

Present by teleconference and/or web meeting: Finance Director Bobbi Zauner, Public Facilities Director Jerry Gray, Library Director Pam Bosben, Deb Cutler, Amalia Hicks, Jennifer Bonti, Tim Hillebrand, Bob Sagmoen, Laura Bock, Kevin Murphy, Seth Johnson, Nathaniel Newby, Dave Sarbacker, Patricia Mullens, Erika Mabrey, Aaron Bock, Pam Born, Dale Kelter, Janet Hord, Paul Johnson, Kelley Unger, and Jim Timft.

II. Public Comment – (all written comments submitted and read during this meeting may be requested from the Clerk's Office.)

Doug Brunner, 6004 Laufenberg Blvd., filed a written comment and spoke in favor of ATV/UTV Road Routes.

Mike Wollmer, 7029 Laufenberg Blvd., filed a written comment and spoke against ATV/UTV Road Routes.

Barbara Wollmer, 7029 Laufenberg Blvd., spoke against ATV/UTV Road Routes.

Amalia Hicks, 2053 Glacier Cir., filed a written comment and spoke against ATV/UTV Road Routes.

Pam Born, 2612 Thinnes St., filed a written comment and spoke against ATV/UTV Road Routes.

Jennifer Bonti, 2710 Elmwood Cir. E., filed a written comment and spoke against ATV/UTV Road Routes.

Debra Cutler, 2840 Thinnes St., spoke against ATV/UTV Road Routes.

Jim Timft, 4050 Observatory Rd, spoke against ATV/UTV Road Routes in urban areas.

Dale Kelter, 3011 Thinnes St., filed a written comment and spoke in favor of ATV/UTV Road Routes.
Janet Hord, 1825 Ludden Dr., spoke against ATV/UTV Road Routes.

Rachel and Joe Acker, 3004 Allies Ln., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Jamie Dahlk, 2001 Cross St., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Brad Statz, 3005 Hillside Tr., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Dan Zauner, 2113 Maple St., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Tom Johnson, 1255 Gil's Way, filed a written comment against ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Dave Sarbacker, 2120 Jovina St., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Robert Sagmoen, 2616 Elmwood Cir. E., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Marilyn Sagmoen, 2616 Elmwood Cir. E., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Sue Schuetz, 2730 Birchwood Pass, filed a written comment against ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

Seth Johnson, 5002 Laufenberg Blvd., filed a written comment in favor of ATV/UTV Road Routes. The comments were read by the Village Administrator/Clerk.

III. Consent Agenda – Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration under General Business.

1. Minutes of regular meeting held on April 27, 2020.

2. Total Disbursements from 04/23/2020 through 05/14/2020 in the amount of \$397,756.53 as follows:

- 110 – General Fund: \$60,361.73
- 120 – Capital Fund: \$6,017.90
- 130 – Library Fund: \$3,274.98
- 140 – Parks/Rec Fund: \$5,420.32
- 150 – Debt Service Fund: \$259,740.00
- 310 – TID Fund: \$0.00
- 660 – Water Fund: \$18,226.13
- 670 – Sewer Fund: \$44,715.47

A motion was made by Trustee Brosius, seconded by Trustee Zander, and unanimously carried by the Village Board, to approve the Consent Agenda as proposed.

IV. Report of Village Officers

1. Village President

- a. President Lengfeld reported that he is working with Trustees Brosius and Thusius on a redraft of Chapter 2 and will have this to the Village Board at the next meeting. The suspension of Roberts Rules of Order in recent meetings were to be in compliance with the Villages current ordinance.
- b. President Lengfeld announced that he will be assigning a subcommittee on finance to take a high-level overview of the Village’s finance policies heading into the budgeting cycle.

2. Village Administrator/Clerk

- a. Chang reported that the Village applied for \$500,000 through the Wisconsin Department of Natural Resources for the Municipal Flood Control Grant. The Village did not receive the grant.

3. Village Vice President

- a. Trustee Ketelboeter reported that the Boy Scouts will have a food drive.

4. Other Trustee Reports

- a. Trustee Francois reported the Park and Recreation Committee recently conducted a two-year review of the mountain biking agreement since the initial trails have been completed this spring.
- b. Trustee Brosius reported that the Library will need to purchase a new HVAC motor to replace the current nonfunctioning motor.

5. Other Staff Reports

- a. EMS Chief Mabrey provided a year to date report for the Emergency Medical Services District.

V. General Business

1. Discussion and Possible Action Regarding ATV/UTV Road Routes.

A motion was made by Trustee Zander and seconded by Trustee Ketelboeter, to amend village ordinance 52.06 to allow road routes for All Terrain Vehicles and Utility Terrain Vehicles in the village to include the recommendation from the Public Safety Committee as presented in the latest draft ordinance submitted by Trustee Brosius.

A motion was made by Trustee Ketelboeter and seconded by Trustee Zander, to amend the language of subsection (c)(2) to "All Village roadways are declared to be ATV and UTV routes, except as follows...". A roll call vote was requested. YES – Trustees Brosius, Ketelboeter, Thusius, Pomykalski, Zander, and President Lengfeld. NO – Trustee Francois. Motion carries, 6-1.

A motion was made by Trustee Ketelboeter and seconded by Trustee Pomykalski, to amend the language of subsection (c)(3) to, "No person shall operate an ATV/UTV in excess of the posted speed limit within the village limits, with the exceptions outlined in 52.06(b)." A roll call vote was requested. YES – Trustees Brosius, Ketelboeter, Thusius, Pomykalski and President Lengfeld. NO – Trustee Francois and Zander. Motion carries, 5-2.

A motion was made by Trustee Pomykalski and seconded by Trustee Ketelboeter, to amend the language of subsection (c)(5) to, "Village ATV/UTV routes are restricted to the following uses:

- i. Gaining access to and from their residence to another local residence;
- ii. Gaining access to a local business, or
- iii. Gaining access to recreation trail."

A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski and President Lengfeld. NO – Trustee Francois and Brosius. Motion carries, 5-2.

A motion was made by Trustee Brosius and seconded by Trustee Thusius, to amend the language of subsection (c)(6) to, "No person shall operate, park, store an ATV/UTV or trailer in any:". A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

A motion was made by Trustee Pomykalski and seconded by Trustee Thusius, to amend the language of subsection (c)(8) to, "Operators of ATVs and UTVs must possess proof of current liability insurance on the ATV/UTV.". A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

A motion was made by Trustee Brosius and seconded by Trustee Thusius, to amend the language of subsection (c)(17) to, "ATV's/UTV's will be allowed on public streets only from May 1 to September 30.". A roll call vote was requested. YES – Trustees Thusius, Francois, Brosius. NO – Trustee Zander, Ketelboeter Pomykalski and President Lengfeld. Motion fails, 3-4.

A motion was made by President Lengfeld and seconded by Trustee Ketelboeter, to amend the language of subsection (c)(17) to, "ATV's/UTV's will be allowed on public streets for the calendar year.". A roll call vote was requested. YES – None. NO – Trustee Thusius, Francois, Brosius, Zander, Ketelboeter, Pomykalski and President Lengfeld. Motion fails, 0-7.

A motion was made by President Lengfeld and seconded by Trustee Pomykalski, to remove subsection (c)(17). A roll call vote was requested. YES – Trustee Ketelboeter, Pomykalski, Zander and President Lengfeld. NO – Trustee Francois and Brosius. Abstained – Trustee Thusius. Motion carries, 4-2-1.

A motion was made by Trustee Ketelboeter and seconded by Trustee Zander, to amend subsection (c)(18)b to, "Request the Village Public Safety Committee review the use of any ATV/UTV route. The Public Safety Committee shall make recommendations to the Village Board concerning the use of any part of the route." A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

A motion was made by Trustee Ketelboeter and seconded by Trustee Zander, to approve the sunset clause in subsection (c)19 for two years. A roll call vote was requested. YES – Trustees Pomykalski and Ketelboeter. NO – Trustees Zander, Thusius, Francois, Brosius, and President Lengfeld. Motion fails, 2-5.

A motion was made by President Lengfeld and seconded by Trustee Pomykalski, to approve the sunset clause in subsection (c)19 for one year. A roll call vote was requested. YES – Trustees Ketelboeter, Thusius, Pomykalski, Zander, Brosius, and President Lengfeld. NO – Trustee Francois. Motion carries, 6-1.

A motion was made by President Lengfeld and seconded by Trustee Pomykalski, to replace subsection (c)(16) with, "Operators and passengers under the age of 18 shall wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened as required by Wis. Stat §23.33.". A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

A motion was made by Trustee Thusius and seconded by Trustee Brosius, to approve a referendum resolution for ATV/UTV Road Routes. A roll call vote was requested. YES – Trustees Thusius, Francois and Brosius. NO – Trustees Pomykalski, Zander, Ketelboeter and President Lengfeld. Motion fails, 3-4.

Following motions on the amendments, a roll call vote was requested on the original motion. YES – Trustees Pomykalski, Ketelboeter, Zander, and President Lengfeld. NO – Trustees Francois, Thusius, and Brosius. Motion carries, 4-3.

2. Discussion and Possible Action Regarding the Conditional Use Permit Application for 4001 Creek Side Way.

A motion was made by Trustee Brosius, seconded by Trustee Thusius, and unanimously carried by the Village Board, to approve the Conditional User Permit for 4001 Creek Side Way.

3. Discussion and Possible Action to Amend the Specific Implementation Plan for 1504 Main Street – Mid Towne Construction.

A motion was made by Trustee Pomykalski, seconded by Trustee Francois, and unanimously carried by the Village Board, not allow a chain link fence.

A motion was made by Trustee Pomykalski, to not allow a sign in the front grass area of the property as indicated by the Specific Implementation Plan. Motion fails due to a lack of second.

A motion was made by Trustee Ketelboeter and seconded by Trustee Zander, to approve the amendment to the Specific Implementation Plan for 1504 Main Street – Mid Towne Construction. A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Francois, Brosius and President Lengfeld. NO – Trustee Pomykalski. Motion carries, 6-1.

4. Discussion and Possible Action Regarding a Residential Chicken Coop License Application from Jamie Pitt at 3060 Niesen Street.

A motion was made by Trustee Brosius, seconded by Trustee Ketelboeter, and unanimously carried by the Village Board, to approve a residential chicken coop license for Jamie Pitt at 3060 Niesen Street.

5. Discussion and Possible Action Regarding a Request for Sewer Bill Adjustment from Brian Kolden for 102 Ziegler Court.

A motion was made by Trustee Brosius, seconded by Trustee Pomykalski, and unanimously carried by the Village Board, to approve the request to adjust the sewer bill for Brian Kolden for 102 Ziegler Court as presented.

6. Discussion and Possible Action Regarding Solar Farm Memorandum from the Sustainability Committee.

A motion was made by Trustee Pomykalski, seconded by Trustee Francois, and unanimously carried by the Village Board, to authorize the Sustainability Committee to explore community solar opportunities.

7. Discussion and Possible Action on Ordinance No.02-2020: Regarding Heavy Traffic Routes.

A motion was made by Trustee Pomykalski and seconded by Trustee Francois, to adopt Ordinance No. 02-2020: Regarding Heavy Traffic Routes. A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

8. Discussion and Possible Action Regarding the 2019 Final Financial Audit Report.

A motion was made by Trustee Brosius, seconded by Trustee Pomykalski, and unanimously carried by the Village Board, to approve the 2019 Final Financial Audit Report.

9. Discussion and Possible Action Regarding the Village’s Financial Policies.

A motion was made by Trustee Brosius, seconded by Trustee Zander, and unanimously carried by the Village Board, to approve the Village Financial Investment policy with the following amendments:

- a. Update the current list of banks
- b. Include Appendix A – Wis. Stat. §66.0603

A motion was made by Trustee Brosius, seconded by Trustee Pomykalski, and unanimously carried by the Village Board, to amend the Fund Balance Policy to include all funds that carry a fund balance and to maintain a minimum of twenty percent (20%) fund balance in the General Fund fund balance.

A motion was made by Trustee Ketelboeter, seconded by Trustee Brosius, and unanimously carried by the Village Board, to approve the Budgeting Policy as amended:

- a. Move up deadlines in August, September, and October by one month.

A motion was made by President Lengfeld, seconded by Trustee Pomykalski, and unanimously carried by the Village Board, to defer the Debt Management Policy to a future meeting, pending review of section 3.

A motion was made by Trustee Ketelboeter, seconded by Trustee Zander, and unanimously carried by the Village Board to approve the Capital Planning Policy as amended:

- a. Move up deadlines in August, September, and October by one month.
- b. Include a process for emergent changes in the Capital Improvement Plan.

10. Discussion and Possible Action Regarding 2020 First Quarter Financial Reports.

After a presentation by the Bobbi Zauner, Finance Director, there was no action taken.

11. Discussion and Possible Action Related to COVID-19 Response.

a. Impact of COVID 19 on the 2020 Budget.

Bobbi Zauner provided an update on the 2020 budget.

b. Discussion and Possible Action Regarding Park and Recreation.

A motion was made by Trustee Francois, seconded by Trustee Zander, and unanimously carried by Village Board, to approve the opening of the municipal pool on July 1st, with the following recommendations:

- i. Charge by membership only.
- ii. Open for residents only.
- iii. Allow for rental of the pool to private groups but must equalize hours between rentals and open swim.

c. Discussion and Possible Action Regarding Resolution No. 07-2020 to Waive Interest and Penalties on Property Tax Payment Installments Due on or After April 1, 2020.

A motion was made by Trustee Pomykalski, seconded by Trustee Thusius, and unanimously carried by the Village Board, to adopt Resolution No. 07-2020.

d. Discussion and Possible Action Regarding Alcohol Licensing Fees.

A motion was made by Trustee Francois, seconded by Trustee Zander, and unanimously carried by the Village Board, to approve rebates of the prorated fees from March 17, 2020- June 30 2020 and to give credit for the part of the license that was not used due to being closed for "Class B" Intoxicating licenses.

e. Discussion and Possible Action Regarding Ordinance No. 03-2020: Regarding COVID-19 Prevention and Control.

A motion was made by Trustee Thusius and seconded by Trustee Zander, to adopt Ordinance No. 03-2020. A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

12. Discussion and Possible Action on Setting the 2021 Budget Goals and Objectives.

This item was tabled to the next meeting.

VI. Future Agenda Items

Trustee Zander requested review and regulation of people jumping off the bridge at Mill Creek Parkway and Brewery Creek.

VII. Closed Session

- 1. The Village Board will meet in Closed Session pursuant to 19.85(1)(g) of Wisconsin Statutes, "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." – Acquiring Properties for Flood Mitigation.**

A motion was made by Trustee Brosius and seconded by Trustee Ketelboeter, to convene into Closed Session pursuant to 19.85(1)(g) of Wisconsin Statutes, "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." – Acquiring Properties for Flood Mitigation. A roll call vote was requested. YES – Trustees Zander, Ketelboeter, Thusius, Pomykalski, Francois, Brosius and President Lengfeld. NO – None. Motion carries, 7-0.

A. Reconvene into Open Session pursuant to 19.85(2) of Wisconsin Statutes.

A motion was made by Trustee Zander, seconded by Trustee Ketelboeter, and unanimously carried by the Village Board, to reconvene into Open Session pursuant to 19.85(2) of Wisconsin Statutes.

B. Possible Action Regarding Property Acquisition.

No action was taken.

VIII. Adjournment

A motion was made by Trustee Ketelboeter, second by Trustee Brosius, and unanimously carried by the Village Board, to adjourn. Meeting ended at 12:30 a.m.

Proper notice of this meeting was given to the public and posted on the public bulletin boards in accordance with the Open Meeting Law.

Respectfully submitted,



Bill Chang
Village Administrator/Clerk