

Village of Bloomington
Regular Board Meeting
May 6, 2024

The regular monthly meeting of the Village Board was called to order by Village President Robert McLimans at 6:00 p.m.

The Pledge Allegiance to the Flag was said.

Roll call was taken, present: Robert McLimans, Dennis Moris, Michelle Atterbury, Chasity Allen, Scott Daentl (arrived at 6:04 pm), Dawn Drew, and Alan Mergen.

Motion was made by Moris and seconded by Allen to approve the minutes of the regular board meeting for April 8, 2024, as read in e-mail. All were in favor. Motion carried.

McLimans officially welcomed the two newest Trustees, Michelle Atterbury and Alan Mergen.

McLimans welcomed the Village Attorney, Ben Wood from Wood Law Firm, LLC, and explained that Attorney Wood was present to give a Trustee orientation. Attorney Wood explained that he was present to give a few reminders and some refreshers. Attorney Wood asked if any of the Trustees had any specific questions that they wanted him to go over. McLimans stated that he felt there was a good relationship and effective communication amongst himself, the Trustees, the Village Clerk, and the Village Attorney, and Attorney Wood agreed. Attorney Wood explained the main things he wanted to point out were:

1. Closed sessions: When you are in a closed session you are bound to secrecy of anything that is discussed in that closed session, which includes if you invite anyone else to attend. That person is also bound by the same confidentiality restrictions. Minutes are not taken during a closed session. Nothing leaves the room. Most things will be in open session, especially financial. Discussion of employees' wages and such is fine to have in a closed session, but the actual vote would have to be in an open session and part of the record. Other examples for closed sessions would be employee issues or performance reviews and sealed bids.
2. Conflict of interest versus actual crime (pecuniary interest): Attorney Wood referred to Chapter 19 of the Wisconsin State Statutes, which states you are not to put yourself in a conflict of interest. Your job as a trustee is to represent your constituents. Conflict of interest means anything that you would have an interest of your own where you can't separate yourself. You are not to vote on those items and should avoid them. That really means more than just not voting. It means you should step out of the room and not participate at all in the conversation. In doing so, you are not giving your input that might influence another trustee and their vote. If you unintentionally put yourself in a conflict of interest, it is not a crime, and you can't be prosecuted for it. However, you or your immediate family cannot be involved at all in anything of pecuniary interest of anything over \$15,000. That is a felony, and you can be prosecuted for it. Discussion was had on different examples of each.
3. Attorney Wood's job is to represent the Board, not just one Trustee, and the Board will have to decide on a hierarchy when it comes to communicating with Attorney Wood regarding Village business. McLimans stated that Trustees should take issues to him or Village Clerk, and they will contact Attorney Wood.
4. Agenda items: The Village President, per statute, sets the agenda. A Trustee can request something to be put on the agenda, but ultimately it is the discretion of the Village President to add an item to the agenda. Technically, you can only vote on an item once per term, your election term. You can reconsider items or do a motion to rescind, but you cannot vote on the same item in multiple legislative sessions. It is always better to handle the issue right away than to table or postpone it to a future meeting. Try to vote on the items that are on the agenda that night unless you have to do more research. If you have to do more research, it is better to say, "this item will be postponed" instead of "tabled". If you table an item, there is a procedure that needs to be done at the next meeting, including un-tabling the item, per Robert's Rule of Order. McLimans asked about going around the room at the end of a meeting and asking each Trustee if there is anything else they would like to discuss. Attorney Wood explained that technically it wouldn't be proper because the public wouldn't know about that issue. The proper procedure would be to add it as a future agenda item.

Allen asked Attorney Wood about making ordinances and how detailed those need to be. Attorney Wood explained most ordinances have been around for years and are pretty uniform. When drafting an ordinance, it is drafted according to the municipality's primary objective.

McLimans thanked Attorney Wood for attending the meeting tonight and giving the orientation and refresher to the Trustees.

McLimans introduced the Village Accountant, Jay Bennett, from Johnson Block.

Motion was made by Drew and seconded by Daentl to approve the accounts payable reports for April 2024. All were in favor. Motion carried.

Officer Small was present to give his report. Officer Small has his new email address, police@villageofbloomington.com, set up and has updated his letterhead with the new email address. The TVRP Program for parking enforcement is now fully set up and usable. Officer Small created a Facebook post regarding junk pickup, and a couple of residents commented on it asking about the Village providing a free Spring cleanup. There was a stray dog located on Prospect Street. Officer Small found the owners by utilizing Facebook, and they retrieved the dog within a couple of hours. Officer Small has started making a list of junked vehicles and areas of general junk, and he has located a couple of residents with junked vehicles on Mill Street. His list is based on anything that is visible from public view. Officer Small asked if anyone was aware of any other locations that needed to be checked on. McLimans stated that it is something they can be aware of now and notify Officer Small when necessary. Officer Small discussed Neeleys being present a few months ago regarding the Osterhaus property, and they told him there is nothing they can do about it at this time because it is in probate. Officer Small will follow up on that. Officer Small mentioned the property on 4th Street has grass that is at least twelve inches high already. Officer Small was going to follow up to find out if that was the property owner's responsibility or if it had gone back to the bank. It had been heard that the property was in foreclosure. McLimans mentioned that we need to send notification that the owner has two weeks to cut the grass, or the Village will cut it and the cost will be added to their property tax bill. Officer Small said he could send the notification.

Several concerned citizens were present, and McLimans asked Officer Small to stay to offer his input. Present were Dave Kussmaul, Cheryl Mergen, Bernadette Parkins, Kiersten Tuemer. Kussmaul stated that they are concerned with people speeding in the alley behind their houses and St. Mary's Church, and they are concerned for the safety of their children. The speed bumps that were installed last year are not slowing people down. Parkins stated that people are also not stopping at the stop sign on Pleasant Street. Officer Small asked if there were certain times of the day when this was happening more than others. Discussion was had on putting the portable speed sign or more speed bumps in that area and other ideas for resolutions. McLimans mentioned getting license plates of repeat offenders and giving that information to Officer Small. McLimans explained that in the essence of time, this issue will be added to the agenda for discussion at the Joint Committees Meeting that is being planned and which will be open to the public. McLimans stated that he appreciated their input, and it's important that we address it. Ryan Hoffman was also present and stated the same issue of speeding is also present on Mill Street, and is also concerned with the safety of children who live and play on that street. Hoffman suggested the best solution would be to install a four-way stop at 2nd Street and Mill Street, 4th Street and Mill Street, and a three way stop at 5th Street and Mill Street. McLimans asked Officer Small if it would be possible to issue warnings to those who are speeding. Officer Small explained that he can patrol at certain times of the day but would not be able to do so all day. McLimans explained that this would also be added to the Joint Committee Meeting agenda.

Carey Allen was present and asked about filling in the ditch between Mill Street and Union Street. Discussion was had on who owns the property. Bart Nies, from Delta 3 Engineering, was present and discussed dumping the fill from the street construction project. Nies explained that once the contractor excavates it from the street, it's his material, and the Village would not be able to tell him what to do with it. However, the Village can strongly suggest that he take it to that ditch. Nies explained that the Village could ask the contractor at the Preconstruction meeting that will be scheduled, most likely in late May. The Village will also need to make sure the property owners agree. Discussion was had on the cost of installing concrete pipe for drainage and how it would be paid for. McLimans explained to Allen that the Board has a lot to consider and cannot give him an answer at this time. Nies will get some estimated costs on materials and labor.

McLimans moved up agenda item Harmony's Hope Ride under New Business since Tammy Crary was present. Crary explained the history and their focus on mental health. Michelle Atterbury stepped out due to a conflict of interest. The proceeds raised are given to River Ridge students as a scholarship called "I Will Make A Difference", and Crary wishes to grow the charity to open it up to Grant County Seniors. The scholarship is given to students going into law enforcement, mental health, nursing, or any other profession that gives back to the community and to the public. They would like to do a UTV/ATV ride. Clerk had reached out to Dave Farrey at Route 35 Pub & Pizza, per McLimans suggestion, about the ride starting and stopping there, and Farrey did reach out to Crary. Crary stated that she wasn't sure if she needed Board approval for that, but she would like their support. McLimans asked how she decided on the date of October 5, 2024. Crary explained her reasons. McLimans stated that he can't speak for the rest of the Board, but he encouraged Crary to go ahead. Moris agreed that it was a great idea. Discussion was had on parking. Michelle Atterbury came back into the room.

Bart Nies was present to discuss and explain the funding options for the Proposed 2024 Infrastructure Improvements project. Nies reviewed and explained the funding options again that Mark Digman presented at the April meeting. McLimans asked Jay Bennett to explain to the Board what options he would recommend and why. Bennett went over the financial condition of the Water and Sewer Departments. Bennett and Nies explained the process of raising water and sewer rates. Discussion was had. Motion made by McLimans and seconded by Daentl to use the DNR money. All were in favor. Motion carried. Motion was made by Daentl and seconded by Moris to approve a Water General Obligation Bond and Sewer Revenue Bond. McLimans added to the motion to raise the sewer rates to cover the Sewer Revenue Bond. All were in favor. Motion carried.

McLimans explained that he asked Jay Bennett to be here for his input on the funding options for the Proposed 2024 Infrastructure Improvements project and to give the Board members an overview of the Village's financial condition. Bennett gave an overview of the history of Johnson Block and the services they offer. He explained that the Sewer Department has had losses the last couple of years and rates should be increased. Bennett did file an application for a Simplified Rate increase for the Water Department, which was approved for a 4.1% increase. This will take effect at the end of June. Bennett recommends doing a full rate case and forgiving what Sewer and Water Departments owe the general fund.

Motion was made by McLimans and seconded by Moris to approve the annual Assessment Contract to hire Derek Flansburgh as an independent contractor for the purpose of undertaking on behalf of the Village all necessary municipal consulting and assessment services for the 2024 assessment year and to approve the scheduled date of May 23, 2024, for Open Book and May 30, 2024, for the Board of Review hearing. All were in favor. Motion carried.

Motion was made by McLimans and seconded by Allen to approve the 2023 CCR and posting of the CCR for public's view on the Village's website and at the Village Hall. All were in favor. Motion carried.

Walsh was present to give the Maintenance report. Walsh received a letter from Kathleen Rusch claiming that her water had an odor and wanted her water tested. Walsh and Moris determined that it was stagnant water, so they drained her hot water heater. Walsh asked about a sump pump ordinance. Rusch's is going directly into the sewer. Moris stated that we do have an ordinance, and McLimans said they are not allowed. It will need to be rerouted at the property owner's expense. McLimans explained the Clerk contacted Town & Country Sanitation regarding dumpsters for Spring Clean-up. Discussion was had. Board agreed they did not want to move forward with it at this time. Walsh received an estimate for tree trimming. Motion was made by Moris and seconded by Daentl to approve the bid to remove all trees, but the ones in the ditch area on Mill Street, on the list. All were in favor. Motion carried. Walsh has completed the Standard Operating Plan and the Emergency Plan, which Larry Gates is reviewing. The fields at the Community Park were rolled. The new blower came in. Discussion was had on the gazebos at the Community Park which need to be repaired or taken down. Walsh and Moris will take down the one which is a hazard. Atterbury will speak with the Tech Ed instructor at River Ridge School about rebuilding it. Walsh explained that a diffuser and deflector is needed for the fire hydrant. Diffuser is \$200 and deflector is \$126. No motion was needed. Walsh will purchase the diffuser and deflector.

A joint Committee Meeting is scheduled for Wednesday, May 29, 2024 at 5:00 pm.

Clerk will not be in the office May 13-17, 2024. Clerk explained the new requirement for the Maintenance of Effort reporting. Moris explained the requirements for the Fire Department for that report. Clerk explained that she received a notification from the Wisconsin Department of Revenue which stated that the Village exceeded its allowable levy by

\$2,596 for 2023 resulting in a loss to state shared revenues equal to the excess. Motion was made by McLimans and seconded by Moris to approve Clerk's attendance to the 2024 Clerks & Treasurers Institute, July 13-July 19, 2024. All were in favor. Motion approved. McLimans mentioned that the month of May is Municipal Clerk's month.

McLimans asked if anyone had any future agenda items for next month. Moris, Allen, and Daentl all mentioned sidewalk issues which will be discussed at the joint committee meeting.

McLimans discussed the Committee assignments that were made adding the two new board members. Each trustee was given a copy.

There being no additional business to come before the board, McLimans moved to adjourn the meeting and was seconded by Drew. All were in favor. Motion carried.

Clerk/Treasurer
Shawna Atterbury