

Village of Bloomington
Regular Board Meeting
June 3, 2024

The regular monthly meeting of the Village Board was called to order by Village President Robert McLimans at 7:00 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, Dawn Drew, and Alan Mergen.

Motion was made by Moris and seconded by Allen to approve the minutes of the regular board meeting for May 6, 2024, as read in e-mail. All were in favor. Motion carried.

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

Officer Small was present to give his report. Officer Small stated that he received four barking dog complaints, but they were all received from the same complainant. Officer Small explained to the complainant that he cannot take any action with only one complaint. McLimans verified with Officer Small that the Village ordinance requires complaints from at least three people. Officer Small explained that the three complaints would need to be made within a certain time frame. Officer Small reported that there are issues with Richter and Neeleys again over the fence. Officer Small explained that there are two separate issues, complaints of harassment and complaints of agreements not being held by certain parties. Officer Small explained to them that if they wanted to bring their grievances to the Board tonight, they could do so. All parties were cited for disorderly conduct due to the ongoing issue and the issues of that day and yelling and swearing at each other, and there was one citation issued for trespassing. Officer Small inspected the fence and observed that it was in poor condition and is leaning heavily in sections. The back portion of the fence consisted of plastic tarps stretched between posts and is not of any decent quality, and it is not consistent with the section of fence adjacent to the road. Officer Small recommended revoking the variance, and having the fence built to ordinance/code standards as other residents of the Village are required to do so. Officer Small reported on an incident at the ballpark and explained that a female party was cited for a disorderly conduct. Officer Small asked if there has been any update on the junk ordinance and explained that this is the prime time for enforcement. There are several vehicles in the Village that are being stored and appear to not be in working order. Officer Small will put a junk ordinance proposal together for the Board to review. Officer Small reported other notable law enforcement activity: a female party with an arrest warrant is believed to be staying at her father's house in town but has been unable to locate her, Richter complained that Neeley's leaned items against his fence, Richter stated he is not going to change anything regarding the current state of the fence, a fraud complaint was received – male party was scammed of \$500 through a Facebook scam, a female party left their purse on the gas pumps at the Stop N Go – contact was attempted for return of the property, and a there was a child enticement case involving Snapchat photos. McLimans stated he had one question regarding the fence between Richter's and Neeley's and asked someone to clarify if the wire fence that was to be removed at the end of September 2023 had been removed. Ashley Neeley was present and clarified that the wire fence had been removed.

Concerned citizens: Ashely and Scott Neeley were present. Ashley Neeley claimed that they had agreed to have a survey done and agreed to keep the fence backwards and upkeep the area between the fence on Richter's property, but he is again calling the cops on them for trespassing on six inches of his property. Ashley claimed that the fences lean over onto their property and are poorly constructed. Ashley stated that because Richter is still calling the cops on them for doing what was agreed on, she doesn't think that they should have to upkeep between the posts. Ashley feels that Richter should have to turn the fence around and do the upkeep. Ashley stated that she would like the mesh part removed and the entire fence constructed of wood. Ashley mentioned that they are thinking of putting up a fence on their property if Roger does not reconstruct the fence according to Village ordinance. McLimans stated that he spoke with the Village Attorney. Attorney Wood advised that if the wire fence had not been removed, as that was the only condition when the variance was granted, the variance could be revoked. McLimans stated that Ashley had confirmed earlier that the wire fence had been removed.

Discussion was had. Officer Small wanted to make it clear that Ashely and Scott Neeley became upset with Roger after he called the cops on them for leaning items against the mesh part of his fence. The Neeleys told Richter that if he was going to call the cops on them, they were going to revoke the variance and make him trim their side of the fence, but he was also not allowed on their property to maintain the six inches on their side of the fence. That is why Officer Small advised the parties to come to the board meeting to present their argument that the variance should be revoked because the fence is not in good shape and certain parties have been in contempt of the agreement. McLimans stated that he would entertain a motion to revoke the variances granted for the Richter fence, and to have the issue turned over to the Village Building Inspector and for the entire length of fence to be brought up to code. Motion was made by Daentl and seconded by Mergen. All were favor. Motion carried. Officer Small asked about a deadline. McLimans stated that he would give Richter until the end of summer, August 31, 2024, because he didn't know what it would be like to get a contractor at this time of the year, and it was going to take time for Josh Copsey to inspect the fence and give Richter a report on what needed to be done.

Concerned citizens continued: Dave Cooley was present. Cooley stated that he was the one who complained about the 4-5 hours of dogs barking. Daentl claimed that the day they returned from Colorado the barking was really bad. Daentl has tried to get other residents on that side of the Village involved who all agree that it's bad, but no one will submit a complaint. Cooley would like someone to speak to Kurt Adrian about repairing his fence and moving it to where it is supposed to be. Cooley said that Adrian has 12 inches of land on the north side of the fence, and he doesn't want Adrian on his property. Cooley claimed at their court hearing two years ago, the judge told Adrian that he had to move the fence so he would have room for a lawn mower on that side. Cooley said the fence has not been moved and it's rotten and falling down. McLimans asked if any of the Board Members felt comfortable speaking with Adrian. Mergen said that he would but would stop and look at the fence first.

Present to discuss the payment of the library ceiling repair were Sue Kuenster, Library Board President; Kathy Atkins, Library Director; and Jim Warczak, former librarian and currently runs the History Room. Kuenster stated that the library ceiling was nice and was needed, but they were not contacted about paying for it. Atkins composed a letter which Kuenster gave copies of to the Board and read aloud. (See attached) Kuenster claimed that for as long as she has been on the Library Board and as President, the repairs have been paid by the Village. Atkins claimed that Dave Moore put in a new set of lights and plumbing had been done in the history room, which they had not been billed for, and this led them to believe that the library ceiling repair was a Village expense. Kuenster questioned whether the Village Attorney needed to be involved to find out whose expense it is. Kuenster claimed that this is a public building which is used for voting and the library is secondary to being a Village owned building. McLimans stated that he disagreed with that. He agreed that it is used for voting and for board meetings, but 95% of the time it is used for the library. Kuenster asked if that was in writing somewhere. McLimans said he was going by the amount of time that it is used for the library. Kuenster mentioned that they printed the minutes from the Village's February and March meetings and read the sections under Clerk/Treasurer's report. Kuenster claimed that it was never mentioned who was paying for the ceiling. McLimans stated that this item was publicized in the March agenda, which was posted in three different places, not only here on the front door as you come in the building, but at the post office and another location. No one from the library board came to that meeting. McLimans stated the Board went ahead because it was something that they'd been told the Library Board wanted done because the ceiling was falling down. Kuenster claimed that they only said that the ceiling was in disrepair and that something needed to be done as it was a safety issue. Atkins stated that according to statute, they should have been involved. McLimans agreed that they should have been given a voucher and approved it prior to payment. Kuenster stated they should have known from the beginning that it was going to be a Library expense. McLimans explained that for many years, the Villaged worked with an accounting firm from Prairie du Chien and for as long as he's been on the Board, four years, the Village had zero feedback from them about anything. The Village's new accounting firm, Johnson Block, a local company in southwest Wisconsin, came in and did an assessment of how the Village was operating. Several accounts weren't even on the books. They all have the same Federal ID number, including Library accounts. Things were not being reported properly, so the Village wanted to make sure that should we have an audit, as the Village of Bloomington, that we were covered. This was one recommendation that came from Johnson Block and Jay Bennett, the accountant and one of the owners of the company. McLimans explained that the Village would not have incurred this expense if not for the library because the Village would not have fixed the ceiling. Atkins asked if the Board would be willing to show their argument to the Village Attorney because it seems that some statutes were not followed, and he would be the right person to ask. McLimans again stated that he agreed that the Library Board should have been given a payment voucher to approve before it was paid. Kuenster stated that they should have been notified from the beginning that it was going to a Library expense. McLimans stated that he assumed that since it was the library ceiling, it was a

Library expense, and the Village was going by what the accountant advised. Kuenster stated that they are very thankful for all the Village does to support the library, but they don't have it in their budget to pay for the repairs. McLimans asked about the money in Library savings account. Kuenster stated those funds are from donations and have never been designated for anything. McLimans stated he will take it to the Village Attorney and ask what needs to be done, and he was the one who authorized the payment per the Village Accountant. Atkins stated that she was curious to know if all of the Board knew about this or if they were just learning about it tonight. Daentl stated that they were aware and that it's been an ongoing problem for a while, but there was trouble finding a contractor for it. Allen stated that she remembers discussing that the contractor needed to be insured. Atkins claimed that they were told by the previous clerk that they could not be involved in finding a contractor. Daentl stated that was not something that the Board was aware of. Michelle Atterbury stated that it seems as though information wasn't correct from the beginning and didn't get communicated. Atterbury stated that the main point is that there was no ill intention, just a misunderstanding on both sides. Atkins stated that they want to work with the Village Board and asked if they used the \$2500 they had set aside for new carpet, would the Village pay the rest of the expense. McLimans stated that he would like to settle this and move forward and asked the Board how they felt. Moris stated that he felt they should pay half. Clerk informed them that the bill from Gary Schier for the lights, which was \$2,262.87, was just paid in May and expensed to the Library. Clerk will forward a copy to Atkins. Michelle Atterbury asked Atkins and Kuenster to explain their process for paying bills. Atkins explained that all the bills come to her, and she then gives them to the Clerk for payment. The Clerk clarified that the Library bills come to the Village's post office box, she then gives them to Atkins, and then Atkins gives them back to Clerk. Clerk also explained that the library's income and expenses all come in and out of the Village's general fund checking account. It's the same as the Wastewater Treatment Plant, for example. Any expense that the Wastewater Treatment Plant incurs gets allocated to the Wastewater Treatment Plant expense, but it comes out of the same "pool". McLimans explained that there is not a separate library checking account, separate sewer checking account, or separate water checking account. There's one general checking account. The library board doesn't write checks. The checks are all written out of the general fund attributed to the library based on the budget that they're given annually, which was \$26,000 for 2024. McLimans stated that it's a matter of transferring \$2500 from the Library savings account in addition to the \$26,000 that they are currently using this year. Kuenster stated that they would need to get approval from the Library Board. McLimans suggested that we make this a continuing item on the agenda for the July Board meeting. McLimans would reach out to Attorney Wood but also wanted to keep communication open to try to settle this civilly. Kuenster asked if the Village would be willing to accept the \$2500 that they had set aside for new carpet as their part of the payment. Atkins stated that she would rather that the Village discusses this with the attorney and meet again in July and maybe come to a compromise. McLimans stated that a good compromise would be 50/50, but he will talk to the Village Attorney. McLimans stated that going forward all library invoices will be given to Kathy to either approve or give to the Library Board to approve, and he wants everything to go smoothly.

Larry Gates was present to explain the 2023 Compliance Maintenance Annual Report, the CMAR. Gates explained that it's the same type of report that the Village had last year, and the CMR is a compliance annual report for the sewer plant. It grades the Village in different levels from influent disinfection, that part of the plant activated the disinfection throughout the whole wastewater plant. Gates stated that last year, the Village had a difficult report, but this year is a lot better. Everything is running pretty well. Gates explained the last page gives a report card and shows the different grading such as the effluent quality, phosphorus removal biosolids, the staffing, the operator certification, financial management, and the collection system. The Village is graded in certain areas on all of that combined with the following: INI issues for the collection systems, some repairs, information that was gathered on some needed repairs, some repairs and manhole rehabs being done in the future, the operators agreement the Village has with Gates, and Joe Walsh will be another operator once he passes his test June 12th. Gates explained through all those processes, the Village got all A's this year, a grade of 4.0, for the wastewater plant. Gates is confident that Joe and Mark are going to keep it going forward in that direction. Gates explained that they are learning and helping out a lot, and he appreciates everything Joe and Mark do at the wastewater plant, the water department, and the whole village along with Delta 3 for giving reports and what improvements that can be made to correct the INI. Gates stated that Joe can testify these rains that we've had in the last couple days have caused some problems with the wastewater plant and it needed to be reported that some pumping was required. Gates explained that once some of those INI issues get resolved along with some upgrades that have already been done for phosphorus removal, the better the plant is going to run. Gates explained that something to budget for in the future would be a UV system. Gates explained that he needed to present these reports to the Board so they are aware of the grades and how everything is going. Gates explained that he needs the Board to approve it, so he can submit it to the State. Motin to approve the 2023 Compliance Maintenance Annual Report was made by Moris and seconded by

McLimans. All were in favor. Motion carried. McLimans thanked Larry for the outstanding job he has been doing and for getting the Village back on track.

Gates also presented the 2023 Consumer Confidence Report. Gates explained this report is on the water end of it, and there is a series of DNR requirements and testing and samplings that have to be done on the well and on the water and the disinfection or the back teeth samples that have to be taken twice every month. Annual testing is also required on DOC and SOC inorganics and PFAS. Gates explained that it's all in the CCR Report along with the results, and the Village is required to make it known to the public that the Village tests all these, has met the requirements, and what the results are. Gates explained the report shows that the Village has no violations, no PFAS in the well and will continue sampling for that under DNR requirements. Gates explained under the State Statute for the DNR requirement I have to present this to the Board for approval. Gates explained there is a certification on the last page of the report, which shows that he brought it to the Board on this night, and there are different options on how to inform the public. Gates explained that the CCR can be posted and available at the library, in clerk's office, and post something post it for viewing on the Village's website. Gates explained to the Clerk that she will need to add a message and the URL to the next water bill letting residents know if can be viewed there. Motion was made by Allen and seconded by Mergen to approve the 2023 Consumer Confidence Report. All were in favor. Motion carried.

Kelly Copsy was present to discuss the Park Concession Stand. Copsy explained that the cooler was not working, and she called Murray's Dairy Farm & Refrigeration out of Lancaster. Murray's put some type of timer on the compressor and explained it was only a temporary fix on it. Copsy is concerned that the cooler will go out and their products will go bad. Discussion was had on what needs to be done and the costs of repairs. Murray's gave an estimate of \$1700-\$2000 with labor for replacing the compressor. Motion was made by Daentl and seconded by Moris to authorize up to \$2,000 for a new compressor for the Village Park concession stand. All were in favor. Motion carried. Discussion was had on the payment terms for the contract. McLimans stated it would be good faith to pay half up front and the Board agreed. McLimans told Copsy she could pay \$625 by the third week of June.

Mark Digman was present to give an update on the 2024 Infrastructure Improvement project. Digman had a handout which he passed out to the Board. Digman gave a brief overview of the preconstruction meeting that was held last week. The contractor had planned to start digging this week but has been delayed with the rain. The contractor has already begun hauling in sand or screenings to the quarry to stockpile it, so he can get his job done quicker. Digman discussed the pay application and explained the mobilization bonds and insurance. The cost of those materials were roughly \$4,400. Digman explained that the State of Wisconsin requires the Village to be bonded and half, which was about \$40,000, has been paid. McLimans asked which account that was coming from. Digman explained the process for submitting a payment request from CDBG, and Jamie, from Delta 3, will then email the Clerk the accounts it is to be paid from. Motion was made by McLimans and seconded by Atterbury to approve the contractor's pay application #1. All were in favor. Motion carried.

Digman also had a handout for and discussed the proposed fill site location between Mill Street and Union Street and Second Street and Fourth Street. This would give the Village the opportunity to be able to develop those properties around that area. The contractor talked with County Materials, who supply the contractor the concrete pipe, concrete structures, etc. The area measured is about 165 feet. and it is existing 60. inch concrete storm sewer, which is not small and very expensive. The contractor wants to help the village out and will only do it for basically cost. Digman explained the hand-out, the different cost options, and what it would take to fill in that site. Discussion was had. Digman will obtain two other quotes. Motion was made by Moris and seconded by Allen to approve Option #2 for \$64,000 pending it is lower than the other two quotes Digman will obtain. All were in favor. Motion carried.

Motion was made by McLimans and seconded by Atterbury to approve the Scope of Engagement Letter from Quarles & Brady LLP regarding Proposed Issuance of approximately \$500,000 Village of Bloomington General Obligation Water System Promissory Notes, Series 2024 (Safe Water Drinking Loan). All were in favor. Motion carried.

Motion was made by McLimans and seconded by Mergen to approve the Scope of Engagement Letter from Quarles & Brady LLP regarding Proposed Issuance of approximately \$500,000 Village of Bloomington Sewerage System Revenue Bonds, Series 2024 (Clean Water Fund Loan). All were in favor. Motion carried.

McLimans reminded the Board that when Jay Bennett from Johnson Block was here last month, Bennett recommended forgiving the amount owed to the Village General Fund by the Sewer and Water Departments. McLimans explained the

Sewer Department owes the Village \$132,273, and Water Department owes the Village \$86,504.36. The Sewer owes the Water Department \$28,000, which cannot be forgiven per State law. Motion was made by Daentl and seconded by Atterbury to forgive the amounts owed by to the Village General Fund by the Sewer and Water Departments. All were in favor. Motion carried.

Motion was made by McLimans and seconded by Moris to approve the following licenses to Route 35 Pub & Pizza LLC for the period of 7/1/2024 to 6/30/2025:

- Class "B" Beer
- "Class B" Liquor
- Game Machine License (4)
- Pool Table license (1)

Motion was made by McLimans and seconded by Allen to approve the following licenses to Blue Jays Bar & Grill LLC for the period of 7/1/2024 to 6/30/2025:

- Class "B" Beer
- "Class B" Liquor
- Game machine license (5)
- Pool table license (1)

Motion was made by McLimans and seconded by Moris to approve the following licenses to Whispers & Thyme LLC for the period of 7/1/2024 to 6/30/2025:

- Class "B" Beer
- "Class B" Liquor

Motion was made by McLimans and seconded by Daentl to approve the following licenses to Bloomington Stop N Go LLC for the period of 7/1/2024 to 6/30/2025:

- Class "A" Beer
- "Class A" Liquor
- Cigarette, Tobacco, and Electronic Vaping Device
- Operator's License:
 - Trisha Morgan
 - Andrea Crubel
 - Renee Klein
 - Elizabeth (Betty) Cooley

Motion was made by McLimans and seconded by Atterbury to approve a Class "B" Beer License to Bloomington Park Concession Stand Group for a six-month period of 6/3/2024-8/31/2024.

Motion was made by Drew and seconded by Atterbury to approve a Cigarette, Tobacco, and Electronic Vaping Device License to Economy Feed Mill for the period of 7/1/2024 to 6/30/2025.

Motion was made by Mergen and seconded by Moris to approve a Mobile Home Park License to Hoffman's Court Street Property for the period of 7/1/2024 to 6/30/2025.

Motion was made by McLimans and seconded by Drew to approve two Vending Machine Licenses to Bloomington Meats II for the period of 7/1/204 to 6/30/2025.

McLimans postponed the item to review and consider approval of the confidentiality ordinance for Board of Review. McLimans explained this was something we just became aware of last week, and more research needed to be done.

Discussion was had on changing the start time to 6:00 pm for monthly Board meetings. Ordinance will need to be amended. Motion was made by Moris and seconded by Mergen to amend the time to 6:00 pm. All were in favor. Motion carried.

Motion was made by Moris and seconded by Mergen to grant a Land Use Permit to Barb Bernhardt at 620 Third Street. All were in favor. Motion carried.

Motion was made by Mergen and seconded by Allen to grant a Land Use Permit to Danny Dressler at 121 Court Street at Hoffman Mobile Home Property. All were in favor. Motion carried.

Motion was made by Moris and seconded by McLimans to grant a Land Use Permit to Dawn and Shane Drew for a new roof at 210 First Street. All were in favor. Motion carried.

Joe Walsh was present to give the Maintenance Report. Walsh stated that he is taking the water classes this week until Thursday, and on June 12th he will take the water and sewer exams. Walsh reported that the DNR did an inspection on the water tower two weeks ago. They did find a few things and made a couple of repairs. The overfull pipe needs to be replaced because it is plastic, which is not allowed anymore. The DNR recommended replacing it the next time an inside inspection on the water tower is performed, which needs to be done every five years. Walsh called and left a message with the company that did the last inspection to figure out if they did a half or full inspection last time. Walsh explained that every five years a half inspection is required and the next five years a full inspection is required. McLimans advised Walsh to start putting together quotes to have for the 2025 budget. Walsh reported that the new fire hydrant by the water tower needs to be replaced. There is too much settlement there now and putting a new one on top would just cause problems. Walsh thought they could use one from those getting replaced from the street construction. McLimans asked Walsh to put together an estimate and bring it to the July meeting. Walsh explained that he received a phone call from a company that claims they cleaned the wet well and sewer pipes for the Village last year. The company claimed it needs to be done every year. McLimans recommended asking Jordan Fure from Delta 3. Walsh reported that a new locator will need to be purchased. He had someone look at the one we have, and they couldn't get the battery to charge. Walsh is going to speak with Dave Hermsen about the cost to purchase a new one and the cost to rent a locator from Hermsen's. Walsh reported that there are a few more curb stops that need to be dug up. Walsh discussed putting up LED lights at the park. Jason Drone found that the light on this side of the bridge is owned by Alliant Energy. McLimans told Walsh to call Al Mumm. Walsh reported that someone had mowed Sarah White's property. Clerk stated that she had called the mortgage company on May 20th and advised them that if the Village had to mow it, the cost would be added to the property tax roll. Someone from the company was supposed to call back but never did.

McLimans asked the Board to consider a wage increase for Brendan Jentz. Motion was made by Moris and seconded by Daentl to increase Jentz's wage. All were in favor. Motion carried.

Motion was made by McLimans to approve the minutes from the Joint Committee Meeting held on May 29, 2024, as read in email. All were in favor. Motion carried.

Motion was by Moris and seconded by Daentl to approve the recommendation by the Walks & Public Property Committee to increase the cemetery rate to \$500 for single lot and \$600 for two people on one lot, to be effective September 1, 2024. All were in favor. Motion carried.

Daentl reported that he spoke with Mr. Diel from the La Crosse area regarding leveling the stones at the cemetery. Mr. Diel would like to look at what needs to be done before giving an estimate. Daentl will have more information for the July meeting.

McLimans explained that per Attorney Wood's recommendation, the Village should establish a Chapter dedicated to general zoning requirements. Attorney Wood explained, through email, that most municipalities have a chapter dedicated to general zoning requirements, and information regarding building setback and fencing are usually included in the chapter. The restrictions included in section 13.02(3)(b) Frame Construction Exceptions and 13.02(4) Bulk Oil Tanks Prohibited (or other similar restrictions) are also typically included in a Zoning chapter. Motion was made by McLimans and seconded by Daentl to establish a chapter dedicated to general zoning. All were in favor. Motion carried.

Clerk reported that the fee for an Operator's License is currently \$10 per two-year term per the Village Ordinance. Clerk explained that a background check of each applicant is required, and that cost is \$7 per applicant. Clerk researched fees from other municipalities, and they ranged from \$15 to \$35 for a one-year term. Motion was made by Daentl and seconded by Moris to increase the fee to \$25 per one year term. All were in favor. Motion carried.

McLimans explained that at our last board meeting, we had several residents here complaining about speed, especially on Pleasant St. on Mill Street. The committee discussed and recommended installing four way stops at 4th Street and Pleasant 4th Street, Congress Street and 4th Street, and 4th Street and Mill Street. McLimans suggested putting up some type of temporary warning signs, such as "Stop Ahead" to make people aware. Discussion was had. Motion was made by McLimans and seconded by Atterbury to install the four-way stops. All were in favor. Motion carried.

Clerk reported that she reached out to AllPaid, a third-party vendor, to implement an online pay option for water and sewer utilities. They serve more than 2900 agencies in 48 areas. There is no startup implementation or equipment costs, and they guarantee payments, so no charge. We have the opportunity to receive a complimentary card reader to take payments in the office if we wish to do so. We can accept payments for utility billing, property tax, dog licenses, park donations, etc. The more revenue that we can show him that we're going to bring in with it, the better rate he would be able to give us, which gets charged to the resident as a convenience fee. Discussion was had. Motion was made by McLimans and seconded by Drew to contract with AllPaid, starting with the utilities and adding more services in the future. All were in favor. Motion carried.

Clerk reminded the Board that she would be out of the office on June 5th and 6th for the Clerk, Treasurer, and Finance Officers Institute webinar through the Wisconsin League of Municipalities.

Future agenda items:

- Possible sewer connection at 4th Street and Prospect Street.
- Consideration to purchase the quarry from Al Kirschbaum.

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

Clerk/Treasurer
Shawna Atterbury