

**VILLAGE OF MARSHALL
BOARD MEETING MINUTES
JULY 14, 2015**

President Hensler called the Village board meeting to order at 7:00 p.m. Roll call: Peters, Spencer, Shepler, Schuepbach and Hensler were present. Bunch arrived at 7:06 p.m.; Diedrick was absent. Others present: Scott Allain-EMS Director, William Blaschka, Vickie Vick-Peck, Rob Dicke-DCHA, TJ Hanson, Tristan McGough-Courier. Tyson Pitzer, Brittany Pitzer, Lacey Blanchar, Rafael Vilorio-Toro, Scott Noland, Mary Powell, Robyn Dodge, Roland Hensler, Sue Hensler, Matt Shechtman, Ted Shechtman, Jody Skallerud, Police Lieutenant John Nault, Village Attorney Allen Reuter, Director of Public Works "Brian Koll, Village Administrator Sue Peck;

Pledge of Allegiance

Public Comments

No public comments were heard.

MINUTE APPROVAL

A motion was made by Shepler and seconded Schuepbach by to approve the June 9, 2015 regular board meeting minutes for publication as presented. Roll call votes carried 5-0, Bunch and Diedrick were absent.

VOUCHER APPROVAL

A motion was made by Peters and seconded by Schuepbach to approve the June & July ACH debits for all funds, general vouchers #41373-#41471, payroll vouchers #11490-#11610 and water/sewer vouchers #13164-#13184 for payment. Roll call votes carried 5-0, Bunch and Diedrick were absent.

UNFINISHED BUSINESS

1. Renewal of American Mobile Home Communities Park license. Mr. Hensler noted he met with Matt Shechtman and it was a very productive meeting. They did agree to ask their residents to be more considerate and work on keeping the properties more presentable. Matt Shechtman said there were concerns about tenants who don't maintain their homes and yards. They will continue to try and speak with owners. He suggested that potentially tenants could be cited by the Village building's inspection department. There are some limited authorities the Village has as well. Mr. Hensler said they did talk about the Evergreen trees surrounding the park. Some of the trimming was done due to right of way work and also the Evergreen trees have a tendency to die from the bottom up. **A motion was made by Schuepbach and seconded by Shepler to approve the renewal of the American Mobile Home Communities IV, LLC-Evergreen Village Mobile Home Park License. 7/1/15-6/30/16.** Discussion: (Bunch arrived at 7:06 p.m.) Matt Shechtman stated they do inspect the homes every time they are up for sale; to make sure items are corrected prior to selling. They decide if a home can stay in their park as well. It is hard to find financing for new mobile homes. He expressed concern about labeling a mobile home old. Just because it is an older home doesn't mean it isn't well maintained and have useful life. The Village ordinances do state that a home older than 20 years can't be brought into the park. That doesn't mean if a home is 20 years or older and is being sold in

the park that it has to be moved out either. Mr. Shechtman noted again that they do inspect the homes when they are up for sale to make sure they are in compliance with the park standards.. President Hensler stated he would to see a replacement program put in place to address the trees along Main Street. **Roll call votes carried 6-0, Diedrick was absent.**

NEW BUSINESS

1. Operator licenses expiring 6-30-16. **A motion was made by Peters and seconded by Shepler to approve operator licenses for Bryce Meier, Lisa Will, Douglas Lutz, Bonnie Murphy, Robin Heinecke, Silvia Sikes, Angela Dorn, and Calli Viken. Roll call votes 6-0, Diedrick was absent.**
2. Class B Temporary license. **Motion by Schuepbach and seconded by Spencer to approve a temporary Class "B"/"Class B" retailer's license for Catholic Order of Foresters Court 1763 (St. Mary's of the Nativity Catholic Church) for August 15-16, 2015. Roll call votes 6-0, Diedrick was absent.**
3. Ordinance 2015-05 Limitation on number of dogs. Mr. Hensler was contacted by interested properties requesting the board consider increasing the number of allowable dogs to three. He noted other communities, near Marshall currently allow three.

Tyson Pitzer stated that a lot of communities have changed to a three dog limit. He noted they previously rented and they were allowed three dogs; they were unaware of the two dog limit in Marshall when they moved here. He also stated the Village of Marshall doesn't regulate cats, but limit it to two dogs. Why not limit both? He understands the overcrowding. They work with a lot situations where they rescue dogs. He stated that he is not going to get rid of his dogs and he would sell his property before getting rid of the dogs.

Mrs. Dodge stated she also has three dogs; two that they rescued; they are part of their family. They are now considered their service dogs. Her dogs are vet certified and licensed. They are very important to her. They help her every day for personnel and emotional health. They love you unconditionally.

Mr. Hensler asked if three is the magic number; is that what can be lived with? He stated if we switch to three dogs allowed and no matter what the number of dogs allowed are, there may be barking complaints and we may have other problems. Lieutenant Nault said the fines do progress for barking and dogs at large, dogs not on a leash, etc. If the department is called there would be enforcement on the department's part.

Mr. Dodge said he feels it is a change of time that people are going from two dogs to three and keeping up with the majority of communities around Marshall. Mary Jo Powell stated she lives next door to the Pitzer's and she feels it is more about how dogs are taken care of and how much attention they get. Mr. Hensler said all he is saying when tickets are issued they will be enforced.

Mr. Hensler said we should also look into licensing cats. He also would like to make sure the penalties are enforced and that the fines match up for those who don't take care of their animals. Jody Skallerud stated she is a neighbor to the Dodge's; she has two dogs and they were treated well and the Dodge's are good owners.

Some people will not take care of their animals; that is when we have problems. Mr. Peters asked Lieutenant's Nault's opinion on the Police department's take on this. Mr. Nault said they will enforce no matter the number and it won't change their enforcement practices. When the number of dogs is increased there will be more responsibilities

Mrs. Bunch suggested the board stay on topic, one issue is the number of animals and then the other side is animals on leashes, at large etc. The department can handle those complaints. Mr. Hensler said we have been very lenient with owners on giving tickets, we may end up issuing more, he feels the second ticket and third should substantially be increased. If there are numerous complaints we need to address the problem. Mr. Spencer would like the cat issue addressed as well.

A motion was made by Peters and seconded by Bunch to adopt Ordinance 2015-05, amending municipal code Title 7-1-18, Limitation on Number of Dogs; to change the Limitation on Number of Dogs from two to three. Discussion: President Hensler stated he would like to look into the enforcement penalties that are currently in place and if need be have further discussion on changing the penalties at the next meeting. **Roll call votes 6-0; Diedrick was absent.**

4. 127 Lothe Road, Junk vehicle permit time extension. Rafael Vilorio-Toro and Lacey Blanchar requested to receive a time extension on their junk permit at 127 Lothe Road. Lieutenant Nault said on 6/1 the owners were given a 30 day permit to clean up their junk. Officer Hoops returned on 7/8 and some items were still in the yard. He was cited for illegal storage of junk vehicles. The original 30 day permit expired and they were present asking for a junk permit extension. Mr. Vilorio said he previously had a business of repairing fixing boats and cars. He has a lot of items that he can't get rid of them at this time. Primarily due to they have value and they need to be put in operable condition to sell. He has only one vehicle there now that has expired plates. They weren't going to renew the registration because the vehicle was damaged in an accident. The other vehicles and boats that are still at his property all have updated registrations and are operable. He has removed all the boats and put them in storage for now. The vehicles/boats that remain on the property have all been put by the front of their property on the paved areas. He has three boats there yet and they are all currently registered. The blue Honda needs to be junked. He also has a fork lift.

Mr. Peters said he would like to look into the number of vehicles allowed under outdoor storage on a property in our ordinances. We didn't feel we should allow people to as many vehicles as they want just because they have them registered. Mr. Hensler said possibly there should be a limit and that possibly they have to have them under storage.

A motion was made by Peters and by seconded by Spencer to approve extending Rafael Vilorio-Tor and Lacey Blanchar junk vehicle permit to July 28, 2015. Discussion: He asked if the ticket can be dismissed. Lieutenant suggested he go to court and speak with the Judge. **Roll call votes carried 6-0, Diedrick absent.**

5. Dane County Housing Authority purchasing 402 & 510 Madison Street and 420 Farnham Street. Mr. Hensler said Mr. Dicke from the Dane County Housing Authority previously attended the Village's Plan Commission meeting. They are looking to purchase the properties known as School Street apartments and the property at 420 Farnham Street. They don't think they need our authority to make the purchases.

Mr. Hensler asked Mr. Dicke to speak in regards to their proposal. Mr. Dicke stated he has done a lot of research. He noted two main issues; with the first being if the housing authority purchased the

properties they would take the properties off the tax roll. The taxes currently collected are about \$48,000 for all taxing entities. The Village's portion of taxes is significantly less; around \$16,900. He calculated that the average homeowner would see a \$12 increase in their tax bill to make up this loss. He stated the Authority would be willing to make a payment in lieu of taxes (PILOT).

There is also a substantial cut to the Marshall School District's portion of taxes. Mr. Dicke stated the removal from the tax roll doesn't have an impact on the school district funding. He spoke with DPI personnel and was informed that the equalization aid formula compensates the schools. School districts with a lower tax base don't get less funding than schools with a higher tax base. There would be an offset. He also stated the 2015 incoming class has a lower enrollment so he believed there would most likely be a lower-equalization formula; hence the funding may offset the loss in tax revenues and equate to no change for the district. He said taking these properties off the tax roll; won't be a substantial. He further noted that in 1977 the Village Board adopted the following resolution in April of 1977.

"Resolution Authorizing The Housing Authority of Dane County to Undertake a Section 8 existing housing assistance payments program"

"Whereas the Village of Marshall has found that there is a need for the Housing Authority of Dane County to exercise its powers in the Village of Marshall. Now Therefore Be It resolved by the Village of Marshall as follows: Pursuant to Wisconsin Statutes, Section 59.075, the Village of Marshall hereby declares that there is a need for the Housing Authority of Dane County to exercise its powers within the Village of Marshall."

He said in 1972 the Dane County Housing Authority was created and at that time the Authority went to all Dane County Communities and received resolutions from each community. This is a housing project. They do operate a section 8 program. They may look in the future that they would project base some section 8 housing at that site.

Mr. Hensler asked again to clarify so they believe they don't need the board's authority to purchase the property. Mr. Dicke said it is the opinion of Dane County Corporation Authority they feel the statutes are different than a municipal housing authority. He feels the county gets a resolution to operate and that is the only required of them.

Attorney Reuter stated that under Wisconsin Statutes chapter 59 the County housing authority is not allowed to operate in the municipality unless there is a resolution to operate; which is what the Village adopted in 1977. He further noted that the Statutes also says Marshall is now part of their geographical area. It doesn't say what you can do in that area of operation. The Powers of the Authority has a cross reference – he says it states the DCHA has to receive authority just like a municipal authority. Mr. Dicke asked if that meant in Attorney Reuter's interpretation that the Village Board would make the approval and not the County Board. Yes. Mr. Dicke cited numerous statutes and he's thinking that it is the County Board not the Village Board. Attorney Reuter said the village board is the represented property. A nonprofit organization wouldn't be subjected to the same; due to the Statutes address housing authorities.

Mr. Blaschka asked why would they bring lower income housing here when the community doesn't have jobs, grocery store and other services. Mr. Dicke talked about the Dane County Housing needs assessment report. He noted that Marshall has 41.6% of their households are low, very low or extremely low income. They are looking to set aside the property to serve these residents. These residents are already here. The property is currently full. They will project base up to 25% of the

property with subsidy attached. They would find residents at the property and the lowest 12% would have their rent reduced at the property. They won't relocate people. New residents at the properties would need to meet the criteria of having income of 60% or less of the median income in Marshall. Mr. Dicke said if we don't negotiate a pilot payment the taxes would go up \$12. He noted that 53% of the people they rent to are elderly or disable. Only 6% are not elderly. It is a program for residents of Marshall. The ideal is that the people of Marshall need help. The Housing Authority is in charge of providing affordable housing. He said the properties were originally built under the section 42 tax credits law.

A motion was made by Bunch and seconded by Schuepbach to approve the Dane County Housing Authority to purchase the properties known as 402 and 510 Madison Street and 420 Farnham Street. Roll call votes failed 0-6; Diedrick was absent.

6. Resolution 2015-04, authorizing legal action. **A motion was made by Schuepbach and seconded by Shepler to adopt Resolution 2015-04 authorizing the Village Attorney to take appropriate legal action to prevent the acquisition of properties in the Village of Marshall, by the Dane County Housing Authority, unless authorized by the Village Board. Roll call votes 6-0 with Diedrick absent.**

COMMITTEE & COMMISSION REPORTS

- **Finance & Oversight**

No report.

- **Public Works & W/S Utility**

1. Director of Public Works Report. DPW Koll reported they completed the following:
 - *solar lights installed on the "Welcome to Marshall"
 - *marked the baskets on the disc golf course at Langer Park
 - *removed US flags from the street light poles from Independence Day
 - *placed mulch around trees in Firemen's Park
 - *began pruning trees in the parks as well as street trees
 - *painting of no-parking zones on curbs is now completed
 - *about 2/3rds finished painting crosswalks
 - *completed painting the open shelter at Firemen's Park
 - *At the wastewater plant LW Allen replaced two oxygen sensors in the oxidation ditch which were not functioning.
 - *McCann's underground completed routine cleaning of sanitary sewer lines.
2. Mary Bunch asked about the radium issue at well #2. Mr. Koll said that Andy Jaques from Town & Country Engineering will be starting the well testing in the next month. He will be doing test pumping and water quality sampling. With this information they can make a determination of what is causing the radium. Radium natural occurs in rock. Mr. Jaques feels there is something else going on that is influencing the test results for radium. That is the purpose of his study to determine if there is a radium issue and what corrective actions will be needed. The last three quarterly tests have been under the maximum radium level limits. We are under the belief that there isn't a cause for immediate concern. We are continuing to sample and will be doing the test so determine if there is an issue that requires corrective actions.

3. Deerfield road project. A written update was given to the board from Town & Country Engineering, Tom Tebeest. Some costs saving measures can be had by choosing PVC for water main pipe materials and also directionally drilling 600 lineal feet of water main using HDPE pipe; this would save approximately \$35,000. Traditionally Marshall has always used ductile iron. DPW Koll stated at this previous community they laid over 10,000 lineal feet of PVC pipe and never had problems. No concerns expressed either way.

There will be an additional cost of \$60,000 to add a by-pass lane on the west side of Deerfield Road, opposite of the intersection we are requesting from DOT.

The wetland permit is being reviewed by the WDNR and is currently in a 30-day public comment period. We anticipate a permit by August 1.

The sanitary sewer extension permit is pending approval of the DNR wetland permit.

The Contractor plans on beginning grading activities the week of July 20th. Pipe crews are not to begin until the first week of August.

4. 125 E Main, parking lots. At the previous meeting there was discussion about paving the lot known as 125 E Main Street for public parking. They did do some test of what materials are on the site. Mr. Koll said if we end up cutting some gravel away we would only have a limited amount of gravel for a base. Mr. Hensler said if we intend to sell the lot for a business; if we offer it for sale for a small price to get someone to construct there we probably wouldn't want to expend funds on a parking lot. As far as parking it would help the businesses district. Would someone have an interest in constructing something on the lot? If we don't sell it within a period of time we should make it a parking lot in. **A motion was made by Peters and seconded by Bunch to table reconstruction of 125 E main for public parking purposes at this time. Discussion: Consensus of the board was to try and sell the property first. Roll call votes carried 6-0, Diedrick was absent.**
5. Crack filling bids. Three bids were received for crack filling various streets. **A motion was made by Shepler and second by Schuepbach to accept the bid of Precision Sealcoating Inc for \$2,250.00 for crack filling work. Roll call votes 6-0, Diedrick was absent.**
6. Slag Chip Sealing bids. Two bidders submitted bids for the Slag Chip Sealing work. The low bidder was Scott Construction. DPW Koll stated there were three different sections of roads to be sealed. One of the streets was Lewellen Street from Sunnyview Lane to Dairyland. The cost to do this section was \$7500.00. Due to the condition of this section of street he suggested not awarding a contract for this street because possibly we would mill and repave this instead in 2016. The road is rough and it may be better to do the mill and overlay versus chip sealing. Mill and overlay is more expensive but there would be a longer road life.

A motion was made by Peters and second by Shepler to award a contract to Scott Construction, Lake Delton, for \$19,339.00 for the project areas of Indian Summer Road (from Waterloo Road to Meadowview Lane) and Rosewood Avenue (from Lewellen Street to Sunnyview Lane). Roll call votes carried 6-0, Diedrick was absent.

Mr. Koll said we won't be spending all of the \$65,000 from the 2015 street repair budget and requested the board consider allocating the unspent money to 2016 projects.

- **Planning Commission**

No report.

- **Parks & Recreation**

1. **Converse Park scoreboards.** Badger Sporting Goods provided a quote of \$7,910.00 for two scoreboards. Farmers and Merchants Bank has graciously offered to sponsor \$6,000 towards the purchase of the boards. The balance of funding would come from the recreation fund. Recreation Coordinator Millner did receive quotes from other companies which were less expensive but the proposed boards had the best product for the cost. The front of the boards are shatter proof. The boards are also built by the Everbrite Company in Pardeeville. This is the same company the previous board were from. **A motion was made by Schuepbach and seconded by Shepler to approve purchasing two scoreboards for \$7910.00 with special thanks to F&M bank for their \$6,000 contribution. Roll call votes carried 6-0.**

- **Police**

1. Monthly Police report -Lieutenant Nault reported the following:

- 195 document calls for service in June.
- Tracks program is in working order and tickets are doubled.
- Festival weekend went fine with about 20 citations issued and one criminal referral for misconduct.
- Juvenile –dog case. The Juvenile has been charged with three different counts.
- Department has been dealing with some sexual assault cases from past years.
- All officers have their training entered and are certified.
- The department's Facebook page had a post of a person that has a few warrants in Marshall, in less than a week the Facebook page had 800 plus shares and over 50,000 people had seen the post.

- **Library** Trustee Schuepbach reported:

- Postage sales up
- New library card registrations – May 25 and June 14
- Summer reading program – The Professor Marble Magic Show was well attended.
- Dog wash fundraiser this Saturday July 18th.
- Received 2nd place in Firemen's parade for their float.
- Thank you to DPW Brian that he sent a crew to clean up the AC unit at the Library and they are very appreciative of him and the crew helping them out.

- **EMS/Public Safety Building Commission**

EMS Director Scott Allain was present to give the Commission report.

- The EMS has 100% compliance on their training. They have video recorded the training making it more flexible so that is going well. Each month they have a different topic.
- DaneCom is adding three towers and the County Board approved 7 million additional funding to continue upgrading the system. It is anticipated the full system will be online in 2016.
- They go to the library for blood pressure screening every Monday after the exercise class.

- Injury prevention was discussed with the 2nd graders at the school.
- School district got five new ADE's wall mounts. They can take the training out of their budget because Columbus Community Hospital had obtained a grant to provide the ADE's and training.
- He received a grant from Enbridge in the amount of \$2,000. He is asking the Fire Department to use the money towards an EMS skid that call be used on their all-terrain vehicle/ranger. e will make sure Enbridge is recognized for their contribution.
- He applied for an AFG grant. The grant was for two loading systems and two cots; he hasn't gotten the word yet if they were awarded yet. He is hopeful that they get it; if they do get it they need a 5 percent match. The matching funds will be from the 2014 budget funds the municipalities approved leaving in the EMS capital fund.
- Staffing for the 2016 budget year be interesting and a challenge. They haven't had to ask for an increase. Perhaps there may be some different requests coming for 2016. He has implemented some social media items so people can apply online. He continues to look for more recruits. The expectation and training keeps being driven up. He is looking at our paid on call members. They had to go out of service for four hours over the holiday weekend. He anticipates asking for funding for career staff. It will be significant costs. He is willing to work with us; regionalization or consolidation of resources. Either we invest in what we believe in or otherwise we need to find other creative measures. He has been talking with Duane at Deer-Grove EMS about consolidation of some services. Deer-Grove has made a significant investment. First hurdles are the two leaders talking. Mr. Allain said If we spread costs over more municipalities it would help us all and keep the service sustainable. He will also be talking with Sun Prairie. Some movement has to happen to make the service more sustainable.

LEGISLATIVE UPDATES/MISCELLANEOUS CORRESPONDENCE

No updates.

IDENTIFICATION OF TOPICS FOR FUTURE DISCUSSION AND/OR ACTION

No report.

OTHER BUSINESS

1. Closed Session. A motion was made by Schuepbach and seconded by Peters to convene to a **CLOSED Session per Wisconsin Statutes §19.85(1)(e) 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. (Request for financial assistance to Community Pride Development pre-development planning and consideration on offer to purchases on certain properties) Motion carried unanimously.**
2. Open session. A motion was made by Shepler and seconded by Schuepbach to reconvene to an open session per Wisconsin Statutes §19.85(2). Motion carried unanimously.
3. Recognize those present: Hensler, Bunch, Peters, Shepler, Schuepbach, Spencer and Peck.
4. Action from closed session as deemed necessary. No action was taken.

ADJOURNMENT

A motion was made by Peters and seconded by Spencer to adjourn at 11:07 p.m. Motion carried unanimously.

Respectfully submitted,

**Sue Peck
Village Administrator**

Board approved: August 11, 2015

A copy of the complete minutes are on file at the Village Clerk's office at 130 S. Pardee Street, Marshall for public inspection during office hours or can be viewed on the web at: www.marshall-wi.com