

VILLAGE OF MONTICELLO BOARD MINUTES
SEPTEMBER 17, 2014

President LaVerne Crooks called the meeting to order at 7:00 pm. Present: LaVerne Crooks, Laura Curry, Larry Strause, Doreen O'Brien, Robert Harvey, Teresa Dunlap, William Loveland. Absent: None

Also present: Clerk DaNean Naeger, PW Director Kevin Komprood, several citizens

Pledge of Allegiance.

A motion was made by Curry, seconded by Dunlap and carried by voice vote to approve the agenda with the change of date on minutes to Sept. 3, 2014.

Motion made by Dunlap to go into CLOSED SESSION per WI State Statues 19.85 (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; Community Center Property Seconded by Curry. Motion carried unanimously at 6:46 p.m.

Motion made by Curry to return to open session at 6:52 p.m. Seconded by Harvey. Motion carried unanimously.

A motion was made by Harvey, seconded by O'Brien and carried by voice vote to approve the minutes of the September 3, 2014 regular board meeting.

Hearings, public appearances & citizen comments:

1. Mike Klassy & Mike Johnson provided an update on the GCDC. Indicated the annual dinner was well attended at the Monticello House along with the CEO breakfast held at Faith Engineering. Broadband issue is one of the items they have been spending a lot of time on. PSC offers grants but only for a couple of blocks in Monticello. They are working on creative way to get broadband service in Green County. Possibility of the Village and the School partnering together to get better services through TDS or Mediacom. The Village has a prospect for starting a business in the TIF District. Plans for 2015 include getting a vision for the community and effective marketing. Mike Johnson indicated he has a background in planning and mapping and is willing to do these for free to the Village and assisting with the update of the Comprehensive Plan.
2. Harold Babler, Legion Member comments on Community Center Property – Joe Lehnherr was the spokesman for the Legion Post 256 & Auxiliary. He read an article that he wrote for the Post Messenger paper. Noted they were opposed to the sale and rezoning of the property.
3. Byrden Baker, Auxiliary Treasurer comments on Community Center Property – agreed 100% with what Joe L. said.
4. Jack Stenbrotten – comments on Community Center Property. Reviewed the intentions of the board when the Legion presented to the Village to purchase the Legion building. Feels the Village should offer to our Veterans another building to hold their meetings and keeping of their equipment so the agreement is kept.
5. Barbara Unke comments on Community Center Property. Would like the board to take more thought and consideration into who uses the building for gatherings. Would like the board to represent the citizens vs. their own opinions. Doesn't feel a lot of time went into

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this decision and money shouldn't be the motive. Would like the board to consider the pros/cons of the citizens and keep the line of communication open.

6. Polly Prochaska – garbage issue. Did not appear.

Committee Reports

Laura Curry Finance Report –

- a) Motion made by Curry to approve September invoices CKS# 32974-33009 + Manual in the amount of \$48,348.77. Seconded by Harvey. Motion carried.
- b) Motion made by Curry to approve September payroll Vouchers #V229-238 & CKS#32966-32973 in the amount of \$10,731.87. Seconded by Strause. Motion carried.
- c) Operator License for Mike Emberson. Curry indicated the Committee denied Mike Emberson's operator license and she will speak with him in regards to the reason.
- d) Motion made by Curry to approve Resolution #2014-0917AVillage of Monticello Fee Schedule with the changes already approved by the board in previous minutes. Seconded by Dunlap. Motion carried unanimously via roll call vote.

Robert Harvey Personnel Report -

- a) Recommendation of wage for Clerk/Treasurer after probation period. Motion made by Harvey to increase DaNean Naeger, Clerk/Treasurer wage to \$22.75 after her probation period (11/3/14) in addition to 2% evaluation pay increase for 2015 (1/1/15). Seconded by Curry. Motion carried.
- b) Motion made by Harvey to approve Resolution #2014-0917 Setting Base Wage and Fringe Benefit Adjustments for 2015 with the change of “returning pool personnel shall receive a \$.25/hour wage increase. Seconded by Curry. Motion carried unanimously via roll call vote.

Teresa Dunlap Public Works Report –

- a) Offers of 99-350 truck. List of ten offers were received. Ranged from \$9,200 to \$2,500. Motion made by Dunlap to approve the offer by Green County Highway Department for \$9,200 for the 1999 F350 truck. Seconded by Loveland. Motion carried.
- b) Sewer plant sludge tank update; Cady Inc. proposal. Kevin Komprood indicated the tank has been inspected. Need to replace five panels, have cathodic protection applied to protect from corrosion, cleaned and new fillet applied for a cost of \$35,923. It comes with a one year warranty on the panels. No warranty for the patching option for \$23,504. The Village President approved proposal given timeline involved. Earliest they can start is end of October with one week to perform the work and another week to cure. Currently holding sludge in Argyle, Monroe and Kubly Farms. This is costing the Village approximately \$3-5,000 per week.

William Loveland Fire Board Report –

- a) Invoices approved, discussed outside sign, Halloween trick or treat hours and should be reviewing the 2015 budget next month.

Doreen O'Brien Park & Rec – None

Plan Commission -

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- a) Plan Commission recommended Ordinance #2014-0903 an Ordinance to rezone parcel 23-151-0376-000, Outlot 33, Assessor's plat, SE ¼ & SW ¼ of the NE ¼ of Section 7, Township 3 North, Range 8 East, Village of Monticello, Green County, Wisconsin; 316 E Coates Ave. from residential one & two family district (R-2) to multi-family residential district (R-3) and a conditional use permit for a children's nursery. Motion made by Dunlap to approve the rezoning of 316 E Coates Ave from R-2 to R-3. Seconded by Loveland. Roll call vote: Loveland – I; Dunlap –I; Harvey – I; O'Brien – I; Strause – opposed; Curry – I; Crooks – I. Motion carried 6-1.
- b) Motion made by Dunlap to approve the Conditional Use Permit to Riley Johnson for property located at 316 E Coates Ave. to operate a day care center. Seconded by Loveland. Motion carried with Strause opposed.
- c) The current Comprehensive Plan Map has 316 E Coates Ave as Public Facility and needs to be changed to R-3 following the eight element goals. Motion made by Dunlap to approve Ordinance #2014-0917 an ordinance to amend the Comprehensive Plan of the Village of Monticello. Seconded by Loveland. Roll call vote: Loveland – I; Dunlap –I; Harvey – I; O'Brien – I; Strause – opposed; Curry – I; Crooks – I. Motion carried 6-1.

Administrative Report by DaNean Naeger –

- a) Proposal for compilation of Financial & PSC reports & TIF & General Fund audits services from James R. Frechette. Motion made by Curry to approve James R. Frechette's proposals for the TIF audit in the amount of \$4,000 and the Financial & PSC reports and General Fund audit in the amount of 2014 - \$6,850; 2015- \$6,950; 2016- \$7,050; 2017 - \$7,150. Seconded by Loveland. Motion carried.

President's Report by LaVerne Crooks – None

Unfinished Business

New Business

- a) Unnamed alley located between 214 W Wisconsin & 417 S Monroe St. This alley allows access to the Johnson property garage. Question if the Village should maintain it, abandoned it or sell it. The Village has not maintained it since 2009 and there are some dead trees that need to be taken down.

Village's attorney commented: The Village can discontinue use of the alley as long as it doesn't make a property landlocked. It doesn't look like that property on the end of the alley would be landlocked, it just wouldn't be as convenient to get to a road.

If the process is initiated by the Village then the Village needs to introduce a resolution declaring that the "public interest requires it" and then properly noticing and a public hearing is required. (Wis. Stat. 66.1003). If any owner of property fronting the alley files a written objection then a discontinuance cannot be ordered - unless there is a favorable vote by 2/3 of the members of the Village board. If the discontinuance damages an abutting property may recover damages (as determined under Chapter 32 - which deals mostly with eminent domain).

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The public hearing must be no less than 40 days after the introduction of the resolution; and the owners of the abutting property must be served with notice (as in the manner of a circuit court summons) no less than 30 days prior to the public hearing. Notice also must be published as a Class 3 notice (once per week, for three weeks, the last publication of which is at least one week prior to the hearing).

A filing with the Register of Deeds office needs to be filed (a Lis Pendens) so that there is notice to potential buyers too. If the discontinuance is approved at the hearing then the land reverts to the owners of adjoining land or to the lot where the land originated or if that can't be determined then it gets equally divided between the properties on either side of the centerline. Any easements continue unless they are released by the owner of the easement use. That release would need to be part of the discontinuance resolution. If those easement rights aren't used for 4 years after the discontinuance then they are deemed terminated anyway.

I don't think it needs to be surveyed, as long as we have a legal description to use. This is something one of the title companies could probably help us with.

So, it's a process to vacate, but it may be worth it to the Village to not have to plow and maintain the easements. It seems logical to me to do both sides of the street - but maybe as separate discontinuance resolutions, so if there is an objection on one it won't prevent the other from being discontinued. It would require a bit of an extra cost in the notice, but as the property owners have to be personally served either way, it's not a substantial additional cost.

I don't think that the Village can sell the alley as it's not really a property in and of itself - if it weren't owned by the Village it wouldn't be a legal parcel.

Alicia indicated that the Village owns this property and it must continue to maintain it. Motion made by Strause to table this issue until we get more information on boundary lines from the property that is being sold. Seconded by Loveland. Motion carried.

Adjourn

A motion was made by Curry, seconded by Loveland to adjourn at 8:00 p.m.

Submitted by DaNean Naeger, Village Clerk/Treasurer