

# VILLAGE OF EPHRAIM

FOUNDED 1853



## VILLAGE OF EPHRAIM BOARD MEETING MINUTES TUESDAY, FEBRUARY 13, 2018 –6:00 P.M.

**Present:** Mike McCutcheon- President, Cindy Nelson, Tim Nelson, Paul Roppuld, Jim Stollenwerk

**Staff:** Brent Bristol- Administrator, Susan Shallow- Deputy Clerk

**Guests:** Ken Nelson by phone, Elfe Johnson, Niles Weborg, Keith Krist, Jim & Margaret Peterman, Mike McCarthy, Lane Suave, Russ Salfi, Nick Becker, Marianne Roppuld, Dick Van De Ven

1. **Call to Order:** Meeting called to order by President McCutcheon at 6:00 P.M.
2. **Quorum:** A quorum is present for this meeting.
3. **The Village Board may entertain motion and convene into closed session per §19.85(1) (e) Wis. Stats.** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session. **For the purpose of discussing appraisal reports of village properties impacted by WisDOT's right of way correction project.**  
& §19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. **For the purpose of discussing performance evaluations and compensation.**

**Motion per T. Nelson to convene into closed session per §19.85(1) (e) Wis. Stats. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session, for the purpose of discussing appraisal reports of village properties impacted by WisDOT's right of way correction project, & §19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. For the purpose of discussing performance evaluations and compensation, seconded by C. Nelson, poll of Board Tim Nelson aye, Stollenwerk aye, C. Nelson aye, Roppuld aye, McCutcheon aye and motion carried.**

4. Please take notice pursuant to §19.85(2) Wis. Stats, the Village Board may entertain motion and reconvene in open session and may address the matters considered in closed session and all other matters on the agenda.

**Motion per C. Nelson to reconvene in open session, seconded by Roppuld, poll of Board, Tim Nelson aye, Stollenwerk aye, C. Nelson aye, Roppuld aye, McCutcheon aye and motion carried.**

**Motion per T. Nelson to proceed as discussed, seconded by C. Nelson, all ayes and motion carried.**

5. **Changes in Agenda:** None
6. **Review and Approve 1/9/2018 Board Minutes**

**Motion per T. Nelson to approve the January 9, 2018 meeting minutes as presented, seconded by C. Nelson, all ayes and motion carried.**

7. **Visitors' Comments:** Mike McCarthy introduced the new Tourism Council Lane Sauve.
8. **President's Comments:** President McCutcheon welcomed all to this meeting.
9. **Consent Agenda Items**
  - a. Administrator Report
  - b. Clerk Report
  - c. Maintenance Report
  - d. Year to Date Financials
  - e. Community Protection - Fire Chief's Report

f. Wastewater Manager's Report

g. Bills to be Paid

**Motion per T. Nelson to approve the consent Agenda items as presented, seconded by C. Nelson, all ayes and motion carried.**

## 10. Administration

a. **Discussion and consideration regarding Streetscape Plan Engineering contract with AECOM:** McCutcheon thanked the members of the AD Hoc Committee for all their work, Ken Nelson, Chuck Pearson, Tim Nelson, Cindy Nelson and John Held. Roppuld reviewed the contract document for presentation tonight.

Ken Nelson provided an overview of the bid preparation and solicitation process and how they got to this point, the Streetscape AD Hoc Sub Committee has been working diligently on contract discussions to prepare the document for the Board tonight. Ken Nelson also attended both a Physical Facilities Committee meeting and a Wastewater Committee meeting where they discussed and agreed that the 61 sewer manholes on Hwy 42 would be included in the Streetscape project. K. Nelson further explained the scope of services that will be accomplished. We have included the 61 manholes along highway 42 under the scope of services. The final plans for the street lighting is not included in this document. A copy of the proposed contract is included in the Board packets. Once a streetlighting system is selected then the Village will have to decide if we are going to do it, it would then be an amendment to this contract. The construction for the manholes and the new sewer system will be done before the re-surfacing.

**Motion per C. Nelson to accept the streetscape plan engineering contract with AECOM not to exceed \$306,949, seconded by Jim Stollenwerk, poll of Board T. Nelson aye, C. Nelson, Stollenwerk aye, McCutcheon aye, Roppuld abstain, and motion carried.**

Roppuld had several comments regarding this document, from a pure contract Administration standpoint this contract is the result of bundling, and Roppuld explained such. Roppuld explained that bundling carries the most risk for the Village residents. Bundling as a contract medium carries the most risk for the taxpayers by far stated Roppuld. It is too risky stated Roppuld. What he would look for in the contract itself ...

1. When you deal between departments he would expect to see a format for the government and spelling out of internal controls.
2. Absence of a disputes clause- There are not sufficient controls in place.

This is an inappropriate contract stated Roppuld. The format is the problem. Roppuld suggests that it be broken down into its individual components so that the monies can be handled appropriately.

McCutcheon asked Becker to respond to the items above. Nick Becker responded that he thinks breaking apart the sanitary maybe simple but the stormwater drainage is not quite as simple. These projects are more intertwined than you think. Becker feels this is more streamlined. To split it up, it would end up as 3 separate projects, 3 separate contracts and therefore 3 separate invoices. Becker would need to talk to his legal department. This would cost more for administrative time and services. Becker explained about internal controls and how they administrate them. Becker does not see any issues and this is standard contract procedure. Lighting can be done at any time and not in conjunction with the re-surfacing project. Becker explained that after our Village Attorney went thru this and their attorney looked at the suggested changes they then incorporated this into the language. K. Nelson also explained why they went with 1 person one contract. AECOM cannot come back to us for any additional charges without a change in scope. K. Nelson feels comfortable with this contract. McCutcheon asked Roppuld if the bundling problem is related to the size of a project. "No" replied Roppuld, who then explained why. All of this work has to get done, but this is an inappropriate medium expressed Roppuld. T. Nelson asked if this bundling style will carry a lower price but a higher risk. So if we unbundle it will cost us more but lower the risk. C. Nelson stated that pulling it apart will not accomplish anything but be detrimental. If we unbundle the power burying and the lighting and Moravia were separated, the projects would take more time.

K. Nelson and Roppuld both feel Moravia is an integral part of the re-construction project and should not be unbundled. Stollenwerk inquired if K. Nelson and the AD Hoc Committee considered unbundling. No replied K. Nelson who feels that may be detrimental, there goal was one contract with one contract manager who would be responsible for the entire project and any subcontractors such as Baudhuin. It is related to the point, but we could pull the lighting out possibly stated Becker. Stollenwerk feels the committee put their best foot forward and there will be risk no matter what we do and he would like to proceed.

- b. **Discussion and consideration regarding Streetscape Plan Financing Options with Nicolet Bank:** Bristol introduced this item, on Feb 1, Bristol, Roppuld and McCutcheon hosted a meeting with representatives from Nicolet Bank including Leslie Gast regarding the option of a loan to cover the Streetscape project. Working thru a local bank would bring peace of mind and a local point of contact and incur considerable administrative savings over a bond issue, stated Bristol. Terms from a bank however would only lock in rates for 5 years, which is a cause for some concern. The biggest difference would be that with a Bond issue we would be paying interest on the full amount from day one whereas with a Bank loan you only pay interest on the amount of principal borrowed. Whether the Board chooses a bond or a loan it will probably be a 20 year liability and we could choose a loan during construction and then roll over into a bond issue which would save us substantially more on interest fees.

Roppuld explained the difference between a loan and a bond issue. Nicolet Bank clearly has the interest of the community, Wall Street does not. They have demonstrated competence. He found the executives of the Bank attended this meeting, they have responsible and straight forward with their comments. C. Nelson had a couple of questions concerning up-front costs. Roppuld added that the real reason that we would go with a long term commitment was that rates might go up in the future. We can do something in 2 or 3 years if we need to.

**Motion per Roppuld move to proceed with Nicolet Bank as our initial financier for a loan for this project, for the next six years seconded by T. Nelson, all ayes and motion carried.**

- c. **Discussion and consideration regarding approval of DOT ROW acquisition proposals:** Bristol introduced this item and he explained why the DOT is doing this, this is a right of way correction noted Bristol, a summary of the DOT appraisals has been provided in the Board Packet for review and comment. Bristol has no issues regarding this item. Highway 42 is not centered on the ROW and the State is offering to pay the village for the purchase of ROW as provided on the list included in the Board packet which totals \$211,150.00. There are 7 Village properties involved.

**Motion per Roppuld that we accept the States offer for the purchase of ROW as presented, seconded by C. Nelson, Poll of Board T. Nelson aye, Stollenwerk aye, C. Nelson aye, Roppuld aye, McCutcheon aye and motion carried.**

- d. **Discussion and consideration regarding DOT shoulder paving:** Bristol introduced this item. As part of the DOT re-surfacing project the Village has requested the paving of shoulder areas. Several of these areas fall outside of the existing and proposed right of way areas. A breakdown of costs by property was provided by Jeremy Ashauer from the DOT. Any of these areas that are to be paved will require a construction permit signed by the property owner and would be the Village's responsibility. Estimated total for paving \$12,010.44.

**Motion per T. Nelson that we inform the DOT that we will plan on going with all of the re-paving that Jeremy Ashauer has listed and itemized contingent to getting all the property owners permission and contingent upon no historical property issues, seconded by C. Nelson, all ayes and motion carried.**

- e. **Discussion and consideration regarding donation of Lifepak 1000's from the Fire/Rescue Association to the Fire Department:** Niles Weborg is here to present this item, The Fire/Rescue Association to the Fire Department would like to donate 10 Lifepak 1,000's to the Ephraim Fire Department. Weborg explained previous donations from the Fire and Rescue Fighters Association. McCutcheon added that 2 defibrillators will also be donated.

**Motion per Roppuld to graciously accept the Fire/Rescue Association to the Fire Department donation of 10 Lifepak 1000's, seconded by Stollenwerk, all ayes and motion carried.**

- f. **Discussion and consideration regarding Resolution 01-2018 Budget Amendment:** Bristol explained this amendment. Included are the Tennis Court Repairs, Truck purchase and new air tanks for the Fire Department.

**Motion per C. Nelson to approve Resolution 01-2018 A Budget Amendment as presented, seconded by T. Nelson, all ayes and motion carried.**

- g. **Discussion and consideration regarding committee vacancies and appointment:** McCutcheon stated that he has been notified that Diane Kirkland has resigned from the Physical Facilities Committee effective immediately. The entire Board joined to thank Diane Kirkland for her many years of service both to this Committee as well as the Village. Kirkland has offered to continue to be a resource should any historical information be needed.

**Motion per Stollenwerk to appoint Jim Peterman to the Physical Facilities Committee, seconded by T. Nelson, all ayes and motion carried.**

**Motion per C. Nelson to appoint Marilyn Cushing and Marianne Roppuld to the Historic Preservation, seconded by T. Nelson, Roppuld abstains, T. Nelson aye, Stollenwerk aye, C. Nelson aye, McCutcheon aye and motion carried.**

- h. **Drawing of ballot order for spring 2018 Election:** We have two candidates to be drawn.
  - 2. T. Nelson
  - 3. P. Roppuld

## 11. Wastewater

- a. **Discussion and consideration regarding replacement of the rebuilt aerators in the EAB:** Salfi explained what is to be done. This item was discussed by the Wastewater Committee who recommend that the Board approve the quote from Sable Mechanical LLC for \$1,890.00, to replace the rebuilt aerators in the EAB.

**Motion per T. Nelson to approve Sable Mechanical quote q5243rev as presented, seconded by C. Nelson, all ayes and motion carried.**

- b. **Discussion and consideration regarding recommendation relating to streetscape engineering:** The Wastewater Committee has met and discussed the flooding problem on Larson Lane and are concerned with public safety and the additional load that is placed on the lift station equipment to keep up with the resulting infiltration and recommend to the Board that due to the safety issues and the strain on the lift station 1 pumps that this be high on the priority list to be addressed by the reconstruction of Highway 42.

## 12. Community Protection

- a. **Discussion and consideration regarding Ordinance 01-2018 – Nuisances:** McCutcheon questioned why the list of offenses against State Laws Subject to Forfeiture and if they are addressed in the rewrite. This ordinance is designed to be an instructional item replied Roppuld. If a complaint comes into the Administrator that he refer it to Roppuld. C. Nelson suggests that it be included in the new Ordinance as a standalone item. It is all encompassing all of State Laws, includes this list but is not

limited to. The enforcement official is the Sheriff's Department. Discussion regarding gun hunting in Ephraim. Discharge of Fire Arms to be added to the new Chapter. Enforcement is an issue noted Roppuld. Per poll T. Nelson no, Stollenwerk no, C. Nelson no, Roppuld no.  
No hunting on public property

**Motion per Roppuld to re-insert 9.01(1) no discharge of firearms within the Village limits of Ephraim is prohibited, seconded by Stollenwerk, all ayes and motion carried.**

**Motion per T. Nelson as discussed and amended to pass Ordinance 01-2018, seconded by Roppuld, all ayes and motion carried.**

13. Committee Minutes for Review: No additional questions
14. Correspondence:
15. Visitors' Comments: None
16. New Business for Next Meeting:
17. Adjournment

**Motion per Stollenwerk to adjourn this meeting of the Ephraim Board of Trustees, seconded by T. Nelson, all ayes and motion carried.**

Recorded by,  
Susan Shallow- Deputy Clerk