

LUXEMBURG VILLAGE BOARD MEETING MINUTES
TUESDAY, FEBRUARY 14, 2023
MUNICIPAL OFFICE BUILDING
206 MAPLE STREET, LUXEMBURG, WI

Members present: Jack Seidl, Dan Porath, Dan Olson, Lori Hurley, Brian Barbiaux, Ron Tlachac. Absent: Dan Rueckl. Others present: Clerk/Treasurer MiLissa Stipe, Public Works Supervisor Rick Simonar, Police Chief Gulbrand. Engineer Gayle Lindenberg, Mike Faltynski, Paul Abts, Mark Fort, Zoning Administrator Scott Walczyk, Linus Tremml, Dennis Thiry.

1. CALL MEETING TO ORDER

Meeting was called to order at 7:00 p.m.

2. ROLL CALL

Members Jack Seidl, Dan Porath, Dan Olson, Lori Hurley, and Brian Barbiaux, Ron Tlachac. Absent: Dan Rueckl.

3. ADOPT AGENDA

Motion (Barbiaux/Hurley) to approve the agenda. All ayes. Motion carried.

4. COMMENTS FROM CITIZENS (SIGN-UP SHEET/3 MINUTES MAXIMUM)

Linus Tremml stated that he received the final assessment for the Frontier Road/Ash Street project that was adjacent to his Town of Luxemburg's property. He stated that the assessment was improper and that there was not a detailed report attached and he wanted the detail report to make sure the Village was charging correctly. He stated that the Village stole his land, he was visibly upset and stated that Frontier Road will have water issues since it is too low. He was very belligerent, and continued on with his accusatory behavior for a brief time before he stormed out.

7. APPROVE MINUTES FROM THE JANUARY 10, 2023, BOARD MEETING

Motion (Porath/Olson) to approve the minutes from the January 10, 2023, Board meeting. All ayes. Motion carried.

11. RECLARIFICATION FOR ORDINANCE 8.09 REGULATION OF OUTDOOR SOLID FUEL FIRED HEATING DEVICES

Zoning Administrator Scott Walczyk presented a request for a wood burning heating device for an outdoor pool. President Seidl received information regarding the types of devices the applicant could be using as a heating device. Concerns were raised to a build your own type of heater that may cause more dire concerns if there was approval for this type. Setting a precedent and allowing this type of heating device is not something the Village Board will support to at this time. All Board members verbally voted against to approve the request for a pool heating device that is wood burning. Zoning Administrator Walczyk will be contacting the applicant and relay the information from the Board decision.

7. DISCUSSION TIF FUNDING RATE OF (90/10) THAT MICHELE LACH, MIDWEST EXPANSIONS IS PROPOSING FOR AN APARTMENT COMPLEX IN THE VILLAGE (SEE THE ESTIMATED TIF DISTRICT REVENUE TABLES FROM ROBERT E. LEE & ASSOCIATES)

Michelle Lach presented a brief overview of the plans for an apartment complex ranging from (2) two buildings to possibly more dependent on need. She has spoke with a few property owners but has not made any commitment to purchase. She has requested a 90/10 TIF District funding for her project.

Trustee Barbiaux was not in favor of this type of funding since the Village is not flush with TIF funds; we just started the new TIF District in 2022 and will not see any substantial returns for a few years. With the Village's lack of funds for projects, Trustee Barbiaux stated how can we justify that type of funding. Concerns were raised with the Arendt property since the sewer lines dead end at Commerce. There could be some development begins (a few apartment buildings) could be completed north of Commerce but once further development then there would be a substantial sewer line project to get gravity flow to the east from south of the golf course. There are a lot of hurdles to overcome to partner with the Village for development in that specific area. The Village would be possibly interested in a 50/50 TIF District development agreement, in the future.

8. REVIEW/APPROVE-DENY THE PRELIMINARY PLAT FOR WADE MICOLEY (ZELLNER PROPERTY)

Wade Micoley presented his plans for the preliminary plat showing apartments buildings bordering Church Road with single family homes for the rest of the development (approx. 35 acres) with a retention pond. There is an area designated for a passive park as well. He estimates that the single-family homes will range from \$300k to \$370K for 1500-1600 square feet. He presented a slide show of the homes and apartments showing the amenities and the layout of the structures. He also went through the preliminary plat from stormwater runoff flows, roadways, size of the lots, and the retention pond. Also discussed mailbox locations, landscaping for homeowners. Motion (Barbiaux/Tlachac) to approve the preliminary plat reserving the right to utilities easement designations. All ayes. Motion carried.

9. DISCUSSION ON INDUSTRIAL PARK DEVELOPMENT FORM FROM KERRY DEGRAVE, DEGRAVE MEDIA BLASTING & PAINTING LLC

Kerry DeGrave completed the Industrial Park Development form for potentially purchasing a lot in the industrial park on Frontier Road/Ash Street. He estimates a \$2 million project, 20,000 square foot building, lot size of 1.5 to 2 acres, with overhead cranes, blasting/painting booths. The village will be working with Kerry DeGrave to work out all the details for the development agreement, TIF funds and to manage the needs of the request. Discussion as to the sale price per acre as to what the Village would need. The final dollar amount agreed upon by the Board was \$15,000 per acre based off the development of lot will have substantial investment. Motion (Barbiaux/Tlachac) to identify the lot sale price for Kerry DeGrave to be \$15,000 per acre which will include gas/electric. All ayes. Motion carried. President Seidl will be in contact with Kerry DeGrave.

10. ENGINEER UPDATES

Engineer Gayle Lindenberg gave a brief overview on the progress of projects:

*The Village has applied for Electric (3 phase) and gas for the Industrial Park with WPS. Designer has started work but no timeline/estimate as of today. The businesses (Ellisville/Luxemburg Coop) requested 3 phase electric and will need to apply separately with WPS since they are a private business.

*The Dan Rank development is no longer moving forward. The Village will not move forward with the sewer reconstruction work on County AB, nor will the TIF amendment will be processed as well. The Sewer Service Amendment process to continue and will update with the annexation of the Dan Rank property.

*Division and Seidl Streets final surface will be completed in Spring of 2023.

*No changes in the FEMA Flood Plain mapping.

*Radue-Northbrook Meadows, no updates.

11. DISCUSSION ON AUDITORS STATEMENT OF WORK; PROPOSED INCREASED FEES FOR AUDIT

Clerk/Treasurer Stipe presented the amended agreement for the 2022 audit; which states all the necessary requirements that are needed for the audit, Public Service Commission annual report, TIF annual report and all mandatory reporting for all State agencies. The agreement states \$17,500 for the audit for Village/Water/Sewer and additional fees of \$1,050 for each Municipal Financial Report Form C and PSC reports. The increase is validated due to the increased work required by the State of WI and all the financial activity that has processed by the Village. Motion (Porath/Olson) to approve the Statement of Work documents/fees by Clifton/Larsen/Allen Auditors. All ayes. Motion carried.

12. UPDATE ON PACKERLAND WHEY/FERMENTED NUTRITION ISSUES

The situation with Fermented Nutrition is that in early December 2022 wastewater flows were not pretreated and were received by our wastewater plant with seriously high loads of phosphorus, nitrogen, BOD and PH levels. This overloading received caused the WWTP (wastewater treatment plant) clarifying ponds to die off due to the lethal overloading. The ponds have a 28-day retention cleaning cycle and due to the lethal injection of Fermented Nutrition waste caused the live bugs to die off. This now has caused the clarifying ponds to become septic, and the continuous flow from Fermented Nutrition has compounded the process for the pretreatment for the Village and all of its residents. The Village met with Fermented Nutrition in early December after it was determined that they were the source of the waste that was contaminating the clarifying ponds. Fermented Nutrition stated that they were working on other sources of treatment at their facility to clean up their wastewater.

Meanwhile, the flows keep coming from Fermented Nutrition untreated! Discussions and warnings that their waste was causing irreparable damage to our plant. In early February, a letter was sent to Fermented Nutrition requesting treatment and payment for their unpaid wastewater treatment charges by a specific deadline, or their wastewater valve would be closed due to that the Village is unable to receive their waste any longer. A letter from Fermented Nutrition's attorney was received explaining that if we plan on shutting their valve off they would pursue an injunction to stop us. The Village secured an attorney and we now have sent a letter to identify the issues per the agreement (2018) that their waste is causing severe damage to our facility and we will be closing the valve on March 8, 2023. A meeting is yet to be scheduled to discuss what Fermented Nutrition is responsible for. Not only a pretreated waste but that all unpaid bills will need to be dealt with. Once shutoff, the Village will determine levels of flows that need to be regulated to determine when and if Fermented Nutrition will be turned back on to release their waste. The issues with Fermented Nutrition waste cannot resume after the shut off. The Village will need to treat their own ponds with reseeded with new bugs and hoping that this process can take place before the smell and the heat of summer comes in full bloom. The DNR has been notified to the air quality issues as well.

13. DISCUSSION ON USE OF GYM, GROUP THAT COMPLAINED ABOUT YOGA CLASS HAS TAKEN OVER, BOOKING DAYS AHEAD, NOT SHOWING UP AND NOT MAKING ANY ATTEMPT ON MAKING PAYMENTS FOR USE OF GYM

Trustee Tlachac was informed of the issues that have become apparent for those individuals that use the gym on Wednesday nights. Not only not making any payments, there have been issues with the group blocking the south doors to the gym and then leaving those doors unlocked throughout the whole evening. This is a security issue as well as financial concern since the building/gym is exposed to an open door during the winter months. Trustee Tlachac will be discussing the concerns with the resident and hopefully rectify them.

14. REVIEW/APPROVE VOUCHERS

Motion (Hurley/Barbiaux) to approve February 2023 vouchers. All ayes. Motion carried.

13. REVIEW/TAKE ACTION ON BARTENDAR'S LICENSE: KALE ROBERT KAKAC, MAIN STOP BP

Motion (Barbiaux/Porath) to approve the bartender's license. All ayes. Motion carried.

14. COMMITTEE REPORTS

*The Police Dept. has the body cameras/server set with our IT person. There is training that will need to be completed before they go live with the system on May 8th, 2023.

*Concerns raised with speeding on Heritage Road, Chief Gulbrand will be processing more surveillance on the street.

*Public Works/Sewer/Water, Rick Simonar asked if the Fire Dept. was still interested in the trailer that housed the foam for the Fire Dept., but the Village purchased it. The Board advised Rick to secure the trailer for use of the transportation for a generator.

*In April, Rick will be purchasing the rental for a lift to trim trees in the Village.

*Lead/Copper documentation is being worked on for the DNR.

A meeting for (Streets & Sidewalks) is going to be scheduled for March 6, 2023, at 5:30 p.m. for discussion on the Ordinance 9.42 (7) (a) No parking vehicles, trailers, motor homes, UTV, ATV except on hard surface.

President Seidl contacted André Jacque, Wisconsin State Senator regarding possible funding sources for our water connection via the Sugarbush water plant.

17. ANY OTHER ISSUES

None

18. ADJOURN

Motion (Olson/Hurley) to adjourn at 9:33 p.m. All ayes. Motion carried.

MiLissa Stipe
Clerk/Treasurer