



VILLAGE OF WEBSTER

REGULAR MEETING BOARD MINUTES

Wednesday, October 8, 2014 @ 6:00 p.m.
7505 Main Street West, Webster, WI

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- I. **CALL TO ORDER** – Village President, Jeff Roberts called the meeting to order at 6:00 p.m.
 - II. **ROLL CALL** – Village President, Jeff Roberts; Trustees: Paul Berg; Kelsey Gustafson; Tim Maloney; Darrell Sears; and Greg Widiker. Others present: Police Chief, Michael Spafford; Public Works Director, Jay Heyer; Sherrill Summer, Inter County Leader; Todd Beckman, Burnett County Sentinel; Dave Rasmussen, MSA and Clerk-Treasurer, Patrice Bjorklund. Absent: None.
 - III. **PUBLIC NOTICE OF AGENDA, DELETIONS/CORRECTIONS** – There were no changes made at this time.
 - IV. **VISITOR RECOGNITION** – Village President, Roberts recognized all visitors present.
 - V. **APPROVAL OF MINUTES:** Motion was made by Trustee, Maloney to approve the **September 10, 2014 Special Meeting Minutes**; seconded by Trustee, Widiker. **Motion carried 7-0.** Motion was made by Trustee, Maloney to approve the **September 10, 2014 Tim Maloney Public Hearing Meeting Minutes**; seconded by Trustee, Berg. **Motion carried 7-0.** Motion was made by Trustee, Gustafson to approve the **September 10, 2014 Regular Meeting Minutes**; seconded by Trustee, Weis. **Motion carried 7-0.** Motion was made by Village President, Roberts to approve the **September 17, 2014 Utility Meeting Minutes**; seconded by Trustee, Maloney. **Motion carried 7-0.** Motion was made by Trustee, Weis to approve the **September 22, 2014 Judicial Meeting Minutes**; seconded by Trustee, Gustafson. **Motion carried 7-0.** Motion was made by Trustee, Berg to approve the **October 1, 2014 Utility Meeting Minutes**; seconded by Trustee, Gustafson. **Motion carried 7-0.**
 - VI. **APPROVAL OF VOUCHERS & RECEIPTS: September 9, 2014 – October 6, 2014** vouchers in the amount of; **\$57,463.26** as follows:
 - a. General Fund - \$26,078.80
 - b. Water Fund - \$14,128.87
 - c. Sewer Fund - \$12,494.80
 - d. Library Fund - \$4,760.79And approval of receipts for: **September 9, 2014 – October 6, 2014** receipts in the amount of **\$37,350.20.** Motion was made by Trustee, Weis; seconded by Trustee, Maloney to approve Vouchers in the amount of **\$57,463.26** and Receipts in the amount of **\$37,350.20.** **Motion carried 7-0.**
 - VII. **COMMUNICATIONS:** Clerk-Treasurer, Bjorklund had given all board members a copy of an e-mail from Chris Straight, Senior Planner of West Central Wisconsin Regional Planning Commission in Eau Claire, WI. He wanted to let the board know that last April's TIGER grant application for place making efforts along the Gandy Dancer Trail was not selected for funding. There were 797 applications submitted and only 72 were awarded. Only one project in Wisconsin was awarded for bus rapid

transit system planning in Madison. He wanted to assure the board that he will keep his eyes open for any other potential funding resources that do come available.

Discussion also took place regarding two letters that are being sent October 9, 2014 via certified mail to Ray Buggert who is a brother to Mildred Buggert and Glen Marsh who is a brother to Robert Marsh. These letters are in regards to raze orders for homes and a garage. Mildred Buggert's home located at 26440 Trout Avenue South and the late Robert Marsh's home and garage that's located at 7447 Birch Street West. The individuals are being given 30 days to raze those structures. If the buildings are not razed and removed, the village will pursue having this done and place those charges as a special assessment on their real estate taxes.

VIII. PERSONNEL – Village President, Jeff Roberts: Village President, Roberts brought up discussion of possibly hiring Cliff Casady as a part-time officer to the Webster Police Department. He will be used as a casual part-time officer to help with events and other instances as needed. Motion was made to hire Cliff Casady as a Part-Time Officer for the Webster Police Department with the understanding that he will be paid within the scope and wage rate of the Part-Time Officer Budget for 2015. Motion seconded by Trustee, Sears. **Motion carried 7-0.**

Union dues for Officer, Donnie Holmes were discussed. Clerk-Treasurer, Bjorklund had gotten a copy of correspondence from Wisconsin Professional Police Union Representative, Michael Goetz. He stated in that letter that Officer, Holmes is joining the union. Village President, Roberts asked Chief, Spafford why he is not joining the union through the St. Croix Tribal Police? Chief, Spafford stated that none of their officers are in the union, therefore; he cannot join through them. He wanted to assure the board that Officer, Holmes will be paying the dues through invoices sent to him. Clerk-Treasurer, Bjorklund will not be responsible for managing his dues he stated.

IX. UTILITIES – Chairman, Paul Berg: Trustee, Berg gave the floor to Dave Rasmussen, MSA to discuss the MSA Contract for CDBG Administration. The work is to provide administrative services to the Village of Webster for CDBG Administration. The work will start on approximately October 1, 2014 and be completed by December 31, 2016. Cost of the lump sum services will be \$25,000.00. He wanted the board to know that there will be additional charges to the contracted amount for garnering easements from residents of the village. These costs will be billed separately. To obtain funding for the CDBG-PF (Community Development Block Grant – Principal Forgiveness), the village needs to complete 6 activities preceding executing the Grant Agreement before October 29, 2014. Upon receipt of the items to the Division of Housing, a draft Grant Agreement will be prepared and sent to the village. They are as follows:

- The Bureau of Community Development – WI Dept. of Administration/Division of Housing requires a copy of the Village of Webster's Procurement Policy. It will include a list of contracts for CDBG-related services already entered into by the municipality, in indication of which contracts the village intends to have funded with the CDBG award, and a description of how the services were procured.
- A completed Service Demographic Profile Form for the Village of Webster.
- Documentation of confirmed match funding from the municipality in the amount of approximately \$460,000.00 as listed in the Village's CDBG-PF application, for the project.

- A list of all construction activities and project deliverables that are included in the Scope of Work, to be based on the description of the project in the grant application, and that will be included in the Grant Agreement.
- An updated budget, reflecting the CDBG award and any changes to funding or projected costs, if applicable, using the budget form previously provided with the CDBG-PF application materials.
- An updated project timeline. The original timeline shows an October 2014 start date and a September, 2016 completion date, as listed in the Village's CDBG-PF application.

Dave wanted the board to also know that after the scope of the project is defined, the village will need to put out procurement of bids for engineering. He would like to have the board schedule a Utility Meeting to discuss the scope of the projects for submittal for the grant. He stated that an ITA (Intent to Apply) will need to be submitted to the DNR for Clean Water Funding by December 31, 2014. He said that this is a low interest loan and it can be counted as a local match to meet the requirement of the CDBG-PF Grant. Trustee, Berg did not want to use MSA for any services. He felt the work done by them didn't meet his expectations. Discussion ensued. Village President, Roberts suggested that the board have a Utility Meeting to discuss the scope of the project to meet the requirements of the CDBG-PF and table the contract discussion until that meeting. Motion was made by Trustee, Maloney to table contract discussion and set a Utility Meeting to discuss the contract approval/denial of administrative services from MSA at that meeting. Motion was seconded by Trustee, Berg. **Motion carried 7-0.** The consensus of the board was to hold that Special Full Board Meeting on October 22, 2014 @ 6:00 p.m. with all board present to discuss the scope of the sewer project and the contract for Grant Administrative Services with MSA.

Final Change Order for DeSantis Excavating was presented. The original contract price was \$628,148. The final contracted price after increase of all change orders was \$743,950.02. The final change order increased the previous contracted price prior to this change order was \$743,100.02 resulting in an increase of \$850.00. The change order was for 1 hydrant repair, 1 repair of an abandoned valve east of the library and installation of a swale on Hickory Street. Public Works Director, Heyer stated that this is work that the village asked him to do that was above and beyond the scope of the project. Motion was made by Trustee, Weis to approve the final change order. Motion was seconded by Trustee, Gustafson. **Motion carried 7-0.**

Final Pay Request for DeSantis Excavating was presented. Total contracted price was \$743,950.02. Balance to finish, plus retainage that is being asked for from DeSantis Excavating is \$19,427.50. This price does include the change order amount of \$850.00. Trustee, Berg stated he does not want to pay DeSantis Excavating, because they significantly went over the completion date that was specified in the contract. He stated it was 200 days over the original completion date. There are liquidated damage fees in the amount of \$500.00 for each day the project is delayed per the contract he stated. Trustee, Maloney agreed with Trustee, Berg in the sense that the village should not pay DeSantis until those costs are paid by them. Trustee, Maloney asked Mr. Rasmussen if this is the village's only recourse. He stated that the village and DeSantis are in a contract together. This is a legal issue and should be discussed with legal counsel. When the project was extended, change orders were filed to extend the project. Village President, Roberts stated he could only see 2 courses of action to take. Either go ahead and pay the final pay request to DeSantis, or go after liquidated damages. He felt that the problem with this is the village will be paying legal costs throughout this process. Trustee, Weis made the

motion to not approve the Final Pay Request for DeSantis Excavating in the amount of \$19,427.50 until legal counsel has been sought to discuss the liquidated damages issue. Mr. Rasmussen stated that the village needs to define the damages. He stated that there is a 12-month warranty to complete all work that is not finished. Would this fall under that time period? He also wanted the board to know that the \$19,427.50 is Clean Water Fund monies and they do need to be spent. Motion was made by Trustee, Maloney to make payment in the amount of \$19,427.50 to DeSantis Excavating pending appropriate Davis Bacon documentation and other required closeout documentation from the DeSantis Excavating so MSA can make sure wage rates and lien waivers are in place before payment is made. He would also like a letter drafted to DeSantis Excavating stating their dissatisfaction with the work that was performed on the project. Mostly, the delays in getting the work completed per the contract with them and the Village of Webster. **Motion was carried 6-1.** Previous motion by Trustee, Weis died. Village President, Roberts asked Mr. Rasmussen to give the board a description of what Pre-Qualifying a contractor means. He had suggested the board do this before their next project through the CDBG-PF for sewer projects. He detailed what that meant to the board.

X. FINANCE – Chairman, Greg Widiker: Trustee, Widiker began his portion of the meeting by discussion financing through the State of Wisconsin Board of Commissioners of Public Lands for the new plow/sand/dump truck purchase. The loan amount for \$72,733.00 would be 5 years commencing on the 15th day of March 2015 as stated in Resolution #2014-5. The resolution was read as well as the preamble by Trustee, Widiker for this purpose. Motion was made by Trustee, Weis for adoption of the preamble and Resolution #2014-5. The following roll call vote was as follows:

1. Village President, Roberts – Aye
2. Trustee, Gustafson – Aye
3. Trustee, Weis – Aye
4. Trustee, Maloney – Aye
5. Trustee, Sears – Aye
6. Trustee, Berg – Aye
7. Trustee, Widiker – Aye

The vote was **7 AYES and 0 NOES. Motion carried by majority vote.**

Chief, Spafford is asking for a \$2,500.00 Budget Amendment to his Police Department Expenses line item for purchase of an office computer, router and printers for both cars to print tickets as well as air cards. Motion was made by Trustee, Sears to approve the amendment and move the funds from Municipal Court to Police Department Expenses for those costs. Motion was seconded by Trustee, Berg. **Motion carried 7-0.**

XI. PUBLIC PROPERTY – Chairman, Tim Maloney: Trustee, Maloney discussed the Webster Dog Park. Clerk-Treasurer, Bjorklund stated that the easement has been approved to adjoin the Gandy Dancer Trail. The cost for the application for the easement is \$200.00. Public Works Director, Heyer also stated he has been in contact with State of Wisconsin – Department of Transportation contact Patricia Pollack. She is the person that approves sign placement on state highways Heyer noted. He will be meeting her in the near future to see what steps need to be taken to place the dog park sign at the entrance of the dog park. She had stated it would have to be placed 80 feet from the centerline of Highway 35.

XII. STREETS – Chairman, Kelsey Gustafson: Trustee, Gustafson discussed main street snow removal. He would like to put a request for snow removal quotes in the Inter-County Leader newspaper on October 15, 2014. He will then open them at the November 12, 2014 Regular Board Meeting.

XIII. JUDICIAL – Chairman, Charlie Weis: Trustee, Weis discussed a letter the Village of Webster received for Webster Municipal Court attorney costs. The letter was from Angeline Winton, Attorney at Law. Her office is based in Hayward. She is currently working as a part-time assistant district attorney for both Burnett and Washburn Counties. She is available to do consultation during and after regular business hours Monday, Thursday and Friday. In addition, she can be reached after regular business hours on Tuesday and Wednesdays, as well as occasionally on the weekends, if a particular need arises. She is asking for \$100.00 per hour and she would like to be compensated for travel time when she is not working in the area. Motion was made by Trustee, Weis to hire Ms. Winton as the new attorney for Webster Municipal Court and the Webster Police Department with the stipulation that she is paid federal mileage rate for her driving from Hayward and back. Motion was seconded by Trustee, Sears. **Motion carried 7-0.**

A land use permit was presented for 2 equipment sheds on property owned by Wayne King just south of his grocery store on State Highway 35 in the village. The property is currently leased from Wisconsin Energies.

Operator's License was presented for Carrie Moen at Stop-A-Sec dba Holiday Station.

Ordinance #3-2014 Amending Chapter 98 pertaining to animals was presented. There was discussion regarding the content of the ordinance, specifically changes from competent court within the content of the ordinance to village board. Time frames were also discussed for determination, disposition and insurance within the document. Motion was made by Trustee, Widiker to approve the Vicious Animal Ordinance #3-2014 after the changes were made. Motion seconded by Trustee, Berg. **Motion carried 7-0.**

Chief, Spafford read the monthly police report. There were 57 cases read. Trustee, Berg asked why daily logs aren't provided in the monthly meeting packets. Chief, Spafford told the board if they have a question about a complaint, they can address the question to him. Trustee, Weis would like Chief; Spafford to provide daily logs at all quarterly Judicial Meetings from now on. The board agreed.

XIV. DEVELOPMENT AND ANNEXATION COMMITTEE: Village President, Roberts would like to hold a Development and Annexation Meeting in the near future. The meeting will be discussion of possible use for the old high school building and the steps to refurbish that building. The board decided to hold the meeting on Thursday, October 16, 2014 at 5:30 p.m. prior to the Budget Workshop at 6:00 p.m. to discuss.

- 1) **WEBSTER RURAL FIRE DEPARTMENT – Trustee, Maloney:** Trustee, Maloney stated that the Fire Levy for 2015 will stay the same as 2014 for the Village of Webster. Clerk-Treasurer, Bjorklund stated she has those figures in the budget folder for the October 16, 2014 Budget Workshop. Norm Bickford brought them to her last week she stated.
- 2) **FUTURE MEETINGS:**
 - a) ***Development & Annexation – October 16, 2014 at 5:30 p.m.**

b) *Budget Workshop – October 16, 2014 at 6:00 p.m.

c) *Utility – October 22, 2014 at 6:00 p.m.

XV. **ADJOURNMENT.** Motion was made by Trustee, Maloney; seconded by Trustee, Gustafson to adjourn at 8:30 p.m. **Motion carried 7-0.**

Respectfully submitted,

Patrice Bjorklund

Patrice Bjorklund, Clerk-Treasurer – October 9, 2014

***These minutes are subject to approval at next month's Regular Meeting.

Village President, Jeff Roberts

Trustee, Paul Berg

Trustee, Kelsey Gustafson

Trustee, Tim Maloney

Trustee, Darrell Sears

Trustee, Charlie Weis

Trustee, Greg Widiker

Attest: _____

Clerk-Treasurer, Patrice Bjorklund