

**VILLAGE OF TURTLE LAKE  
REGULAR BOARD MEETING MINUTES  
JANUARY 17, 2011**

**CALL TO ORDER:** Village President Laurie Tarman called to order a regular meeting of the Turtle Lake Board of Trustees at 6:30 p.m. on Monday, January 17<sup>th</sup>, 2011.

**ROLL CALL: PRESENT:** Tarman, Braastad, Itzin, Koenig, Morton, and Becker. Hall, present via speaker phone. Others present were Clerk Danielle Maxwell-Parker, Public Works Director Cory Davis, Police Chief Al Gabe, Dave Slack of Halco Press; Ken Mandley, Grace Community Church; Tom Ludy, Tim Peaster, Eric Ludy, and Tom Stark of GreenWhey Energies, Inc.; Building Inspector Clifford Manwiller; Attorney Jim Ward; Al Leisz, resident; and Rick Phillips, business owner.

**REVIEW OF CONSENT AGENDA:** It was moved by Koenig and seconded by Itzin to approve the consent agenda, as presented.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

Motion by Koenig and seconded by Itzin to rescind motion approving the consent agenda as presented and moved to approve the consent agenda with the correction of Hwy. 64 to Hwy. 63 in the minutes of December 20, 2010.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

**PUBLIC COMMENT:** None.

**COMMITTEE REPORTS:** Chief Gabe mentioned that there is an upcoming Fire Board meeting next Monday which will include a social for the Department. Clerk Maxwell-Parker stated that the MicroLoan Committee met and approved a \$20,000 loan for a new business downtown.

**DEPARTMENTAL REPORTS:**

**Administration** – Maxwell-Parker reported that the Planning Commission also met and both items would be discussed later in the meeting. She and Director Davis met with Jake Braml to review his Eagle Scout Project; he wishes to construct a sunken fire pit with block at the Skinaway Lake Recreational Park. Maxwell-Parker stated that his project required preliminary approval and that he would present his proposal at an upcoming Parks and Recreation Committee meeting. The Board did not express concerns regarding the project and permitted the Clerk to approve the project. Maxwell-Parker continued to describe that she is reviewing the list of non-compliant rentals and some landlords will be receiving notice to comply. If landlords do not respond the notice, the Village Board will take action in February. She concluded that there will be a Spring Primary on February 15<sup>th</sup> and that the office has been running smoothly during sewer and water billing and tax collection.

**Legal** – None.

**Police** – Chief Al Gabe explained that the new squad has been equipped with snow tires and that a new intern is present at the Department to gain experience and will be alternating with officers. Gabe noted that one officer is out early on leave for six weeks and congratulations were expressed to this officer regarding the new addition to his family. He reviewed the 2010 statistics of the Department and noted that disorderly conducts were on the rise and arrests were down; traffic, School, Casino and accidents were about the same as 2009. Gabe continued that drug and OWI arrests were down. He stated that it was a good year and that the quantity and type of cases handled in Turtle Lake and Almena are comparable to the

volume the City of Rice Lake; annual caseload is very similar. He said that the statistics also show that crime rate at night is low due to patrol by the Department. Gabe concluded that he would be out starting next week for surgery.

**Public Works** – Director Cory Davis expressed that there was not a lot to report regarding the Department as things have been running smoothly and that they had been busy with snow removal. He entertained questions from the Board of which there were none.

**UNFINISHED BUSINESS:** Item was tabled until later on the agenda as the Board would move into closed/executive session.

**NEW BUSINESS:**

**Public Hearing for Kennel Licenses** – It was moved by Becker and seconded by Koenig to open the Public Hearing for Kennel License Applications at 6:47 p.m.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

Hall asked if Chief Gabe if there had been any comments or complaints regarding the three applicants, James Richter, Artis Nelson, and Steve and Sandy Heintz. Gabe stated that he had not received any complaints and that he has visited each of the homes within the past six months.

It was moved by Hall and seconded by Becker to close the Public Hearing at 6:50 p.m.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

**Kennel License Applications** – It was moved by Hall and seconded by Morton to approve all three applications for Kennel Licenses as presented: James Richter, 111 Blaine Ave West; Artis Nelson, 210 Poplar Street North; and Steve and Sandy Heintz, 110 Arthur Avenue.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

**Rental Housing Issues at 326 Maple Street South** – Clerk Maxwell-Parker explained the issue of the rental property and letter that was sent to the property owner, Wilemar Studtman, on December 17, 2010. She described that an inspection of the property was the result of a complaint that was made to the Village Hall and forwarded to the Building Inspector, Cliff Manwiller. Gabe described what he noted in the building when the owner requested that he visit the property and Apartment 2. Manwiller explained to the Board the emergency work that was completed in response to no heat and raw sewage leak last winter; tenants were using a gas oven to heat the unit. Manwiller continued to explain that Studtman had not been cooperative in responding to the issues and that the work was then ordered, completed and heat restored within one day. Manwiller reported the unit status at the time of the complaint: fleas and rodents are present and the floor furnace is hot to the touch, enough to cause a burn, and a potential fire hazard. Manwiller explained the 2009 inspections and Correction Orders that were issued; Studtman requested an extension from Manwiller and was denied. Studtman then worked with Gary Hanson regarding the emergency repairs. Manwiller explained the rental issues and that Studtman added an apartment in the building without the issuance of a building permit and had plumbing work done without a licensed plumber. Manwiller stated that these units and building are in severe violation of building and rental codes. Gabe stated that tenants of two different units are fighting as one has control of the thermostat for both units, which is another code violation. It was also noted that there is no fire separation between the rental units as required by law. Chief Gabe recommended that the building be condemned as it is uninhabitable. Village Code 15-5-12 was cited, Designation of Unfit Dwellings, Legal Procedure of Condemnation.

It was moved by Itzin and seconded by Becker to follow and proceed with Village Code 15-5-12(b), Vacating Premises, at 326 Maple Street South and 325 Elm Street South.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

Clerk will be checking with the Village Attorney to vacate and enforce the Code. President Tarman recommended beginning the fine and penalty process.

It was moved by Tarman and seconded by Koenig to assess penalties per Village Code, Sec. 15-5-13(a) and as referenced in the letter dated December 17, 2010.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

Manwiller exited the meeting at 7:15 p.m.

**Contract Renewal with TAC 10 for Police and Municipal Court Software Support** – Gabe explained that TAC 10 is formerly SMART and that the software system is tied with Barron County for the Police Department and Municipal Court.

It was moved by Tarman and seconded by Itzin to approve the contract with TAC 10 for software support, April 1, 2011 through March 31, 2012.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

**Barron County Highway Department Additional Expense for Martin Avenue 2010 Project** – Director Davis explained that the asphalt on Martin Avenue was low and it was necessary to apply more black-top for the mill and overlay after the work began. He stated that the Barron County Highway Commissioner contacted Gary Hanson of the additional expense and Hanson approved the increase. Director Davis was aware of the increase and work but the Board was not informed. It was asked whether or not the new amount remained 48% as the Village share. It was also asked if the Village would be billing the County for blacktopping over manhole covers. The question was also raised in regards to a section of asphalt missing at the intersection of Martin Avenue and Prosser; Davis explained that WE Energies was trying to find a gas line.

It was moved by Tarman and seconded by Itzin to pay \$54,753.82 out of the Village's undesignated fund balance for the Martin Avenue 2010 Project to Barron County Highway Department.

**Roll call vote:** Yeas – all present. Nays – none. Motion carried.

It was asked of Davis if the street life was extended due to the additional work and asphalt; he stated that it did.

**Planning Commission Recommendation regarding Utility Access to Grace Community Church** – Ken Mandley explained that Grace Community Church had made a formal request to access the sewer and water utility in February 2010 to the administrator. He stated that recently it became an agenda item for the Planning Commission. He continued that the Church has been working on finalizing building plans. If they are not allowed to access the utility, the Church would need to drill a well and have a holding tank. Mandley expressed the logic to hook into the Village utility since the lines would eventually be extended along the TIF District #3 and the property faces the new water tower. He also expressed that the Church wishes to annex into the Village of Turtle Lake. Tarman explained that the Commission discussed the request and reviewed options. Director Davis brought rough estimates to the Board for eight inch sewer and water lines down Cemetery Road to Hwy. 63 South. He provided amounts for sanitary sewer, manholes, water main with four valves and three hydrants, road rebuild without storm sewer, four inch pavement and nine inch base, and

engineering costs for a total estimate of \$288,192. It was noted that the Planning Commission discussed that as the TID develops these improvements would all be tied into TID progress. Tarman stated that Sean Lentz of Ehlers needed more information in order to provide the Board detailed information and determine their financial position. Mandley stated the Church is looking to know the Village's position in permitting access; otherwise, they will be moving forward with drilling a well. Koenig expressed the Village will need to know the cost of these improvements regardless of Grace's request as the TID continues to develop. Gabe questioned if the lines needed to be looped immediately with potential industry and Fire Hall drawing off of the same line and issues that may arise. It was determined that Director Davis to check with engineers for cost of plans for the improvements.

**Highway 8 Study by Wisconsin Department of Transportation** – Tarman explained that, prior to the recent meetings, the Village preferred the through town route with approximately fifteen stipulations or more which were submitted to DOT, at that time. She continued that DOT began a new format of handling input from impacted communities by arranging Project Advisory Committees (PAC). During the two PAC meetings, the group narrowed down the preference to two routes. The Planning Commission reviewed the four alternatives as provided by DOT and recommended the Short South Alternative for the Village due to the opportunity for economic growth.

It was moved by Becker and seconded by Itzin to accept Alternative 1 – Short South Bypass as the preferred route for the Village of Turtle Lake and to notify the Wisconsin Department of Transportation of this preference.

**GreenWhey Energies, Inc. Berm Stipulation Revisions** – It was explained that the driveway permit application was addressed at the December meeting and it was recommended to place the berm between the Village road and Rick Phillips's property, including a 10 foot chain link fence with inserts for privacy and sound barrier, as there would not have been room between the driveway and Village road. Maxwell-Parker read the minutes from the May 19, 2010 and October 25, 2010 meetings which stipulation included a berm, fence and trees. Ludy stated that he has scheduled a meeting with a company to review samples of twelve to fourteen foot maintenance free fences. GreenWhey stated that they would be hosting a public meeting on January 25, 2011 at 6:30 p.m., located at the Gathering Place. He said that meeting is open to the general public as they would like to inform them of the project and answer any questions. GreenWhey expressed their desire to encourage feedback from locals and businesses to state what they want out of the project and that the Village Board may then be reactive to comments from the public.

Ludy offered that the current location of the road was not the best location and suggested a possible road from Cemetery Road to the water tower and GreenWhey would cover the costs. Ludy stated that he wishes to do the job right to resolve the barrier issue. Director Davis responded, stating that the berm came up since it was part of the land agreement with GreenWhey. Rick Phillips, a business owner, expressed concerns and feelings that a fence should be installed between the road and his property. Ludy explained that once plans were put together, they noticed a problem with the original agreement. Tarman noted that the agenda item is in regards to the berm stipulation. It was asked how the Village and GreenWhey can get together to determine the best plan.

Ludy said that the soil samples came back poor which will require GreenWhey to dig deep and refill the area with sand. He continued stating that there is approximately two acres that is designated as wetland. Ludy provided a map for the Board to see the wetland area. He

confirmed that the project is moving forward. He also invited the Board members to the meeting as they work toward eliminating negative thoughts and draw positive attitudes towards the digester project. Tarman stated that she and Director Davis would meet with GreenWhey to work out a plan and come to an agreement.

**EXECUTIVE/CLOSED SESSION:** Trustee Hall ended his teleconference at 8:12 p.m. It was moved by Morton and seconded by Becker to enter into Executive/Closed Session as allowable under Wisconsin State Statutes 19.85(c) and 19.85(f) at 8:12 p.m.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

Others in attendance were Attorney Jim Ward and Clerk Maxwell-Parker. The following items were discussed in Executive/Closed Session: Consideration of issues related to a Village staff member. Maxwell-Parker exited the meeting at 8:25 p.m.

It was moved by Tarman and seconded by Koenig to exit Executive/Closed Session as allowable under Wisconsin State Statutes 19.85(c) and 19.85(f) at 9:27 p.m.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

No motions were made.

**Consideration of potential staffing position** – It was moved by Morton and seconded by Becker to table the item.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

**BILLS AND CLAIMS:**

It was moved by Becker and seconded by Braastad to approve the bills and claims for the Village as presented.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

**ADJOURNMENT:**

It was moved by Braastad and seconded by Morton to adjourn this meeting of the Turtle Lake Board of Trustees at 9:36 p.m.

**Roll call vote:** Yeas – all present. Nays – None. Motion carried.

Prepared by:  
Danielle E. Maxwell-Parker  
Village Clerk