

**October 3, 2018**

**REGULAR VILLAGE BOARD MEETING**

**Call to Order/Roll Call** – Village President Chad Coyier called this Regular Village Board meeting to order at 6:00 p.m. Roll call was taken with the following members present: Nicole Welsh, Susan Washa, Tom Cody, Tony Kaster, Dennis Richgels and Chad Coyier. John Kreul arrived at 6:57 p.m. Others present were Bart Nies, Ryan Walter, John Riley, Tom Hebgen, Daniel Swinehart and Becky Fredericks.

**Certification/Compliance** – Clerk certified that notice of meeting was posted on October 1, 2018. Washa motioned as to in compliance with open meeting law. Kaster seconded. Motion carried.

**Public Input – not for action** – None

**Approve Minutes of Previous Meeting(s)** – Coyier motioned to approve the minutes from the September 5, 2018 Village Board Meeting. Welsh seconded. Motion carried. Cody motioned to approve the minutes from the September 19, 2018 Special Village Board Meeting. Kaster seconded. Motion carried.

**Approve Agenda of Current Meeting** – Washa motioned to approve the agenda. Cody seconded. Motion carried.

**Authorize Payment of Bills** – Coyier motioned to approve payment of bills as presented: General Account \$14,233.74, Sewer Account \$23,254.12, Water Account \$21,824.32 and TID #2 Account \$7,529.80. Washa seconded. Roll call vote “Aye”: Welsh, Washa, Cody, Kaster, Richgels and Coyier. Motion carried.

**Village President Chad Coyier recused himself from the conversation by turning the meeting over to Dennis Richgels and leaving the meeting room at 6:08 p.m.**

**Approve revised Delta 3 Engineering Grant Administration** – Bart Nies, Delta 3 Engineering Inc., informed the board that the grant administration contract was revised to reflect the \$10,000 fee for the Safe Drinking Water Loan Program (SDWLP) services and administration. This change in the contract is due to the Village of Highland being approved for SDWLP funding. Washa motioned to approve the Revised Delta 3 Engineering Grant Administration Contract in the amount of a \$10,000 increase. Kaster seconded. Roll call vote “Aye”: Richgels, Kaster, Cody, Washa and Welsh. Motion carried.

**Approve Quarles & Brady Scope of Engagement Proposal – Bond Counsel** – Kaster motioned to approve the Quarles & Brady Scope of Engagement Proposal for Bond Counsel for the SDWLP funding in the amount of \$6,500. Washa seconded. Roll call vote “Aye”: Cody, Kaster, Washa, Richgels and Welsh. Motion carried.

**Update/Decision on Letter to J.I. Construction LLC on Landscaping – take action, if necessary –**

Delta 3 Engineering Inc. emailed a letter to J.I. Construction LLC on September 24, 2018 instructing J.I. Construction to completely redo the landscaping on all disturbed yards on Isabell Court and all disturbed areas located in the Isabell Street Easement between Spring Street and Isabell Street. Bart Nies let the board know that he met with Jeremy Iverson on site on October 2, 2018 and went thru the letter. Verbally Jeremy agreed to completely redo Isabell Street easement between Spring Street and Isabell Street. Bart said that Jeremy stated Jeff Michek told him that he didn't want Jeremy to do the landscaping at the time J.I. Construction originally did the landscaping, Bart informed Jeremy that unless Jeff contacts Bart Nies himself that Jeremy needs to do all of it. Then they went to Isabell Ct project – they looked at Charlie Scullion's and Rod Yarish's yard that Jeremy had overseeded and Bart said it is growing but the dirt was not removed and Bart informed Jeremy that he had to redo the yards per the letter. Jeremy verbally told Bart that he does not want to redo Isabell Court. Bart asked that Jeremy send him an email stating he would do the storm sewer easement area but not Isabell Court and to deduct from his contract the Isabell Court landscaping, which Jeremy told Bart he would email him. However, Jeremy's response was by having his lawyer, Evan P. Schmit of Kerkman & Dunn, email a letter on October 2, 2018. The letter was a response to Delta 3's landscaping issue letter and claiming issues against the Village withholding payment from Pay Application #4. Bart discussed the letter and stated that paragraph #2, which part of the paragraph read as follows "After speaking with Delta 3's personnel, I understand that the "recommendation" was ordered by the Village and was not because the engineer found JI's work to be unsatisfactory." Bart informed that board that no one from Delta 3 stated this however, Mark Doyle, Delta 3 Engineering, did receive a call from a guy named Evan, that claimed he worked for J.I. Construction and was asking questions on the landscaping, which Bart said Mark didn't answer his questions and told Evan he should contact Bart Nies. The discussion then moved to the statement of the Village withholding payment on Pay App #4. Pay application has been partially paid with the village funds and the remaining \$97,000 that remains outstanding is the portion that the CDBG-PF grant program is funding. Therefore the Village is waiting on those funds from the State Department of Administration (DOA) to be able to pay that amount. Bart informed the board that he made contact with the DOA personnel and the pay request has been approved and waiting for the finance department to release the funds, which could take up to 2-3 weeks to be released.

**John Kreul arrived at 6:57 p.m.**

Cody addressed Ryan Walter, employee of J.I. Construction, if he was allowed to be in attendance at this meeting, if legal counsel for J.I Construction approved him to attend since legal counsel had been retained. Ryan stated he was told to attend the meeting by Jeremy.

Another claim in the letter states that J.I. Construction has submitted Pay Application #5 to Delta 3 with the total cost and change order amounts. Cody asked Bart if he saw this, which Bart stated he has never seen any of these numbers. A statement was made that it is pretty low for the lawyer to claim this was submitted to Delta 3 when it never was submitted at the time of the letter being received and for the lawyer to already have numbers that Delta 3 has not even discussed with J.I. Construction.

Back to Pay Application #4 on the payment, Bart informed the board that they have 60 days from the date the Pay Application is approved to release funds for that pay application, which would allow the village until November 5, 2018 to make the payment.

Bart informed the board that he would get in contact with Jeremy's lawyer on the project start date for the storm sewer easement that has a final completion date of October 12, 2018. In the event that Bart does not hear back from J.I. Construction on this matter by October 12<sup>th</sup>, then Bart and members of the village board will go door-to-door on October 15, 2018 discussing the plans moving forward with the residents on the Isabell Court project. Bart stated that he will plan to contact other landscapers if J.I. Construction does not intend to redo the landscaping per the letter. A water & sewer and streets committee meeting will be posted for the door-to-door discussions.

The matter of bad pressure at Marty Gundlach's will be addressed on October 8, 2018. The plan is to have J.I. Construction to dig by the curb stop and check for possible issues. If nothing can be found then the next step would be to put in a new service line from water main between Gundlach's and Pierick's.

After all of this discussion, Kaster motioned to have the Village Clerk draw up a letter response to the lawyer representing J.I. Construction on the funds for Pay Application #4 and to draw up a letter to the residents for the water & sewer and streets committee meeting on October 15, along with giving Delta 3 Engineering permission to follow-up on the landscaping letter to J.I. Construction. Washa seconded. Motion carried.

**Discuss J.I. Construction Bid Bond – take action, if necessary** – Bart informed the board that nothing can be done on the Bid Bond, as that is part of the bidding process. There is a performance bond that can be addressed if that would be something the board felt necessary. Therefore no action to be taken as this matter was addressing the bid bond.

**No objections move to 7(j) since Bart was here – none heard.**

**Discuss WWTP Phosphorus Timeline/Engineering – take action, if necessary** – Bart addressed items addressed by Tom Hebgen dealing with an email Tom received this week on deadlines.

**Village President Chad Coyier returned to the meeting room at 7:56 p.m.**

**Return to agenda item 7(e)**

**Adopt Resolution 2018-11 Authorizing the Sale of Lot 13 Progressive Way Subdivision Replat to Joel G. and Brooke A. Oleson** – Washa motioned to approve Resolution 2018-11 Authorizing the Sale of Lot 13 Progressive Way Subdivision Replat to Joel G. and Brooke A. Oleson. Welsh seconded. Roll call vote “Aye”: Kreul, Welsh, Richgels, Washa, Kaster, Cody and Coyier. Motion carried.

**Adopt Resolution 2018-12 Authorizing the Sale of Parcel 136-0288 located at 837 Main St to Curt and Carissa Menke** – Kaster motioned to approve Resolution 2018-12 Authorizing the Sale of Parcel 136-0288 located at 837 Main St to Curt and Carissa Menke. Cody seconded. Roll call vote “Aye”: Washa, Richgels, Kreul, Cody, Welsh, Kaster and Coyier. Motion carried.

**Ordinance 2018-10 An Ordinance to Create Section 10.04(4) and to Amend Section 10.10(3) of the Municipal Code of the Village of Highland, Iowa County, Wisconsin, Relating to Parking and Forfeitures** – Board would like wording change on Section 10.04(4), so this item will be tabled for the next meeting so Daniel Swinehart can contact Eileen Brownlee to make the necessary changes.

**Ordinance 2018-11 An Ordinance to Amend Sections 13.05(6) and to Create Section 13.05(8) of the Municipal Code of the Village of Highland, Iowa County, Wisconsin, Relating to Alcohol Beverage Licenses** – After some discussion, Coyier motioned to table this until the November board meeting. Richgels seconded. Motion carried.

**Discussion on Safe Routes to School Projects – take action, if necessary** – Nicole discussed this program with the Village. It is an 80/20 funding project, application is due fall of 2019 for a 2020 project that can take 3-4 years to complete. Nicole will be more research and bring back to a future meeting.

**Discuss WWTP Phosphorus Timeline/Engineering – take action, if necessary** – Tom Hebgen let the board know that he requested this to be on the agenda. March 31, 2019 is the deadline for the Village of Highland to have the Final Comprehensive Plan in place. Delta 3 Engineering has been working on this and is doing minor stuff to get us by but sooner than later need to do something to meet the deadlines. Tom let the board know that he met with a guy and according to this guy the Village of Highland is behind where we should be. After some discussion it was decided to have Tom draw up a letter to send to 5 or so engineering companies for proposals.

**Discuss purchase of squad car – take action, if necessary** – Daniel received two prices from Fillback Ford as follows:

- 2019 Ford Explorer 4-door – \$30,608.68
- 2020 Ford Explorer 4-door – \$38,172.00

Mark Fillback let Daniel know that he would have to try and locate a 2019 if that is the route the Village would like to go.

Plus one of the following estimates for Installation Charge for Equipment:

- Belco – \$3,093.76
- General Communications – \$3,460.00

Kaster motioned to move forward with having Mark Fillback try and locate a 2019 Ford Explorer. Washa seconded. Motion carried.

**Set budget work meeting – week of October 8<sup>th</sup>** – Wednesday, October 10, 2018 at 6:30 p.m.

**Discuss Memorandum from Eileen Brownlee in reference to M-1 Industrial District – take action, if necessary** – Discuss was had with comments to the memorandum and Tom Cody will follow-up with Eileen Brownlee on the discussion.

**Discuss Apartment Repairs/Maintenance – take action, if necessary** – Estimates were received for the remodel of 605 Dodgeville St as follows:

- Hying Hardware – \$3,779.00
- Robert Michek – \$5,625.78
- Flooring (per John Kreul) – \$1,600.00
- Cleaning & Paining (per John Kreul) – \$900.00
- Total estimate – \$11,904.78

John Kreul stated that all maintenance on the apartments for this year have been completed except for waiting for a window crank from J&M Buidling Supply. It was decided that this will be tabled until the budget meeting night to be able to look over where the budget is at and if extra funds are needed.

**Discuss possible Apartment CD funds – take action, if necessary** – Due to not knowing overall budget this matter will be tabled until the budget meeting night.

**Update on park concession shelter – donation board – take action, if necessary** – Chad talked to Ginger Halverson and she said that she could do this and asked him to give her some ideas. Chad did some research and looked for possible ideas which he shared with the board. Chad will get back to Ginger on this and let the board know at a future meeting.

**Zinc Site Update** – Chad informed the board that men were up on the site and will get a summary of their research to him which he thought he would have for this meeting. He will let the board know once he does receive anything.

**Committee Reports:**

**Economic Development** – Meeting was cancelled, next meetings are October 29<sup>th</sup> and November 26<sup>th</sup> at 7:00 p.m.

**Law Enforcement** – Report submitted.

**Water** – Nothing more to report.

**Sewer** – Nothing more to report.

**Streets** – Nothing more to report.

**Parks** – The removable fence for the park ball diamond has been received. Dennis showed the board a picture of a wired container for a can recycling area at the park – he saw this at a park in Lyndon Station.

**Public Property** – Dennis asked Tom about the shed floor – Tom told the board that the floor is done and vehicles have been moved in, still need to do the electrical for the building.

**Fire District** – Chad let the board know that Tom Michek let him know the Fire Department is writing a grant for air packs. Tony volunteered to serve on the Fire Board – appointment will be made at the November board meeting.

**Liquor Licenses/Operator Licenses** – Washa motioned to approve a Class B Beer & Class B Liquor License for Betsy’s Breakfast and Burgers LLC and Naomi Michek, as agent. Richgels seconded. Roll call vote “Aye”: Coyier, Welsh, Kreul, Washa, Richgels, Cody and Kaster. Motion carried.

**Zoning Permits** – Darrell Kreul (storage shed)

**Forthcoming Events** – Highland Haunted Hayride will be October 19, 20, 26 and 27.

**Correspondence received during the month** - Nothing

**Set October Board Meeting** – Meeting will be November 7, 2018 at 6:00 p.m.

**Adjournment** – Washa motioned to adjourn at 11:04 p.m. Welsh seconded. Motion carried.

Respectfully Submitted,  
Becky Fredericks, Clerk-Treasurer