

**OFFICIAL PROCEEDINGS
REGULAR VILLAGE BOARD MEETING
Monday, May 16, 2022 – 7:00 PM
Darien Village Hall, 24 N. Wisconsin St.
Darien, WI 53114**

1. **Call to Order.** Village President Jane Stiles called the meeting to order at 7:00 p.m. at Darien Village Hall and via Zoom teleconference.
2. **Roll Call.** Village President Jane Stiles and Trustees Kevin Atkinson, Elizabeth Baumann, Sandi Seefeldt, Ken Truckey and Will Volmar (via Zoom) were present. Administrator Clerk/Treasurer Lindsey Peterson, Public Works Superintendent Mike Velej, Zoning Administrator Shannon Markley, Village Engineer Jason Feucht, and Village Planner Ben Rohr were also present.
3. **Pledge of Allegiance.**
4. **Acknowledgement of petitions, memorials, or other communications** (none)
5. **Approval of Regular and Special Village Board Meeting Minutes (may be approved with one action if there are no changes)**
 - A. **Approval of Minutes from the Regular Village Board Meeting of April 18, 2022**
 - B. **Approval of Minutes from the Special Village Board 2022 Reorganizational Meeting of April 19, 2022**

Trustee Truckey made a motion to approve the minutes from April 18, 2022 and April 19, 2022. President Stiles seconded, and the motion carried 7-0.
6. **Public Hearings, Ordinances, Resolutions**
 - A. **Resolution No. 2022-09 – Resolution referencing Ordinance No. 318 and allowing for the deannexation of property under specific conditions.** Attorney Lochowicz presented Resolution No. 2022-09. He stated that the property owner for the property petitioned to be annexed into the Village, requested that, should the proposed NewCold development not receive all necessary approvals, and the developer decide not to purchase the property, that the Village allow the property owner to detach from the Village of Darien. He stated that rather than including this directly in the annexation ordinance, this resolution was drafted referencing Ordinance No. 318. President Stiles made a motion to approve Resolution 2022-09. Trustee Truckey seconded, and the motion carried 7-0.
 - B. **Ordinance No. 318 – An Ordinance annexing approximately 137.021 acres in the Town of Darien located at the Southeast corner of County Road X and County Road C, to the Village of Darien, Walworth County (Parcel Number BD 3300001).** Ms. Peterson listed the materials related to the annexation ordinance for review in the packet. Trustee Baumann made a motion to approve Ordinance No. 318. Trustee Truckey seconded, and the motion carried 7-0.
 - C. **Resolution No. 2022-10 -- Resolution approving a two-lot Certified Survey Map for the property located near the Southeast Corner of County Road X and County Road C (Parcel Number BD 3300001) (CSM-2022-02)** Ms. Peterson stated that staff within raSmith and the Village’s Engineer have reviewed the Certified Survey Map provided and have noted a few corrections that should be made before the Certified Survey Map is signed. Resolution No. 2022-10 notes those recommended corrections. Trustee Truckey made a motion to approve

resolution 2022-10 with the recommended corrections. President Stiles seconded and the motion carried 6-0 (Trustee Volmar, appearing on Zoom, was not able to participate in the vote for items 6C through 7C(1), due to an issue with the Zoom audio. Trustee Volmar reconnected through a phone call beginning with item 7D(1)).

- D. **Ordinance No. 319** – An ordinance to rezone approximately 137.021 acres of land located South of County Trunk Highway X/Beloit Street and East of County Highway C/Foundry Road and West of Wise Road (Parcel Number BD 3300001) (ZMA-2022-01). President Stiles made a motion to approve Ordinance No. 319 as presented. Trustee Truckey seconded, and the motion carried 6-0.

- E. **Resolution No. 2022-11** -- Resolution approving a Conditional Use Permit to exceed the building height regulations in the SI, Suburban Industrial District, for the property located at the Southeast corner of County Road X and County Road C (Parcel Number BD 3300001) (CUP-2022-03). Ms. Peterson stated that the Conditional Use Permit Resolution includes five conditions for approval. She read through each condition listed on Resolution No. 2022-11. Trustee Baumann made a motion to approve Resolution No. 2022-11 with the conditions listed in the resolution. Trustee Truckey seconded, and the motion carried 6-0.

- F. **Resolution No. 2022-12** – Resolution Establishing Public Participation Procedures for Comprehensive Plan Amendments for the Village of Darien. Ms. Peterson stated that the Village will be considering a Comprehensive Plan Amendment following a public hearing at the June 2nd Joint Village Board and Plan Commission meeting to extend the Village’s Future Urban Service area to include the proposed parcel for NewCold. She stated that this resolution establishes the required public participation plan for such Comprehensive Plan Amendments. Trustee Truckey made a motion to approve Resolution No. 2022-12. President Stiles seconded, and the motion carried 6-0.

7. Reports from Committees

A. Board of Review, President Stiles

- 1) *Next meeting not currently scheduled*

B. Finance Committee, Trustee Baumann

- 1) **Review and possible action relating to Contractual Invoices.** Trustee Baumann presented the Contractual Invoices. President Stiles made a motion to approve the invoices. Trustee Truckey seconded, and the motion carried 6-0.
- 2) **Review and possible action relating to Invoices over \$500.** Trustee Baumann presented the Invoices over \$500. President Stiles made a motion to approve the invoices. Trustee Atkinson seconded, and the motion carried 6-0.
- 3) **Review and possible action relating to the Treasurer’s Report, Monthly Invoices, Prepaid Bills, and Regular Bills.** Trustee Truckey made a motion to approve the bills. Trustee Atkinson seconded, and the motion carried 6-0.
- 4) **Review and possible action regarding the March & April invoices from Lochowicz & Venema, LLP March General Legal Counsel: \$1,000.00 (\$720.00-General Legal Counsel; \$280.00-NewCold); April General Legal Counsel: \$1,770.00 (General Legal Counsel-\$160.00; NewCold-\$1,610.00) March & April Municipal Court: \$1,157.50;** President Stiles made a motion to approve the invoices from Lochowicz & Venema. Trustee Truckey seconded, and the motion carried 6-0.
- 5) *Next meeting: Wednesday, June 15, 2022 at 5:15 p.m. at Village Hall*

C. Public Works, Streets, Water & Sewer Systems Committee, Trustee Volmar

- 1) **Review and possible action relating to the 2022 Repaving Program Bid opening results.** Mr. Feucht presented the 2022 repaving program, stating that it included the alleyway behind Village Hall to Beloit Street and North Third Street to Jackson Street. Mr. Feucht stated that the Village received 2 bids on this project. Payne & Dolan was the low bidder and Mr. Feucht made a recommendation that the Village approve the bid from Payne and Dolan for the 2022 Repaving Program. President Stiles made a motion to accept the bid from Payne and Dolan for the 2022 Repaving Program. Trustee Seefeldt seconded, and the motion carried 6-0.
- 2) *Next meeting: Tuesday, June 14, 2022 at 3:00 p.m. at Village Hall*

D. Library Board Report, Trustee Baumann

- 1) *Next meeting: Thursday, June 9, 2022 at 4:30 p.m. at the Darien Public Library*

E. Plan Commission, President Stiles

- 1) **Discussion and possible action on an application from the Village of Darien for a lot line adjustment affecting parcels QFR 00020, 6 North Wisconsin St. and QFR 00022, 2 North Wisconsin St. in the Village of Darien.** Ms. Peterson stated that this lot line adjustment was related to the agreement for the sale of 2 N. Wisconsin St. between the Village of Darien and Mr. Steve Fettig. She stated that the attached Plat of Survey with the lot line adjustment corrects the current lot line which cuts off a third of 2 N. Wisconsin St. building and attaches it to 6 N. Wisconsin St. property. Attorney Lochowicz reminded the Village Board that this lot line adjustment was also agreed to in the offer to purchase with Mr. Fettig. Trustee Truckey made a motion to approve the lot line adjustment. Trustee Atkinson seconded, and the motion carried 7-0 (Trustee Volmar was reached by phone to participate in this vote).
- 2) **Discussion and possible action on an application from Scott Sterner on behalf of Forest Lakes District EFCA for a land division on parcel number QOP 00046, 11 First Street & 114 E. Beloit Street in the Village of Darien.** Ms. Peterson stated that this parcel used to be two separate parcels and then was combined. She stated that the church is now requesting to separate the parcels again. She stated that Mr. Scott Sterner came to the Plan Commission meeting on May 4th and stated that the goal of this separation was to allow the pastor of the church to purchase the home and enjoy the benefits of home ownership. Trustee Truckey made a motion to approve the division. Trustee Seefeldt seconded, and the motion carried 7-0.
- 3) **Conceptual Review and discussion regarding a Site and Architectural Plan for the proposed NewCold Darien facility located at the Southeast corner of County Road X and County Road C, (Parcel Number BD 3300001).** Ms. Peterson stated that this item was for review and discussion only. There was no action required, as the siteplan was being revised and required items were still being provided by the developer to the Village for review. She stated the complete site package will be sent to the Plan Commission for full review.
- 4) *Next meeting: Joint Plan Commission & Village Board meeting-Thursday, June 2, 2022 at 7:00 p.m. at Village Hall*

F. Public Safety, Police, Fire, and Building Regulation Committee, Trustee Truckey

- 1) *Next meeting not currently scheduled*

G. City of Delavan General Operations Committee Updates, Trustee Truckey

- 1) **Review of April 2022 Police Department Monthly Report.** Trustee Truckey stated there was nothing to bring before the Village Board at this time.
- 2) *Next meeting: Tuesday, June 7, 2022 at 5:30 p.m. at Delavan City Hall*

H. Parks, Recreation, and Facilities Committee Report

- 1) **Discussion and possible action on a request from Justin Schuenke to borrow Village picnic tables and garbage barrels for the Our Redeemer Lutheran Church Holy Smoke BBQ Cook Off to be held on Saturday, May 21, 2022.** President Stiles stated that the Village of Darien has lent these items to Our Redeemer Church in the past for this event. Trustee Baumann agreed. She stated the Parks Committee had requested a loan agreement form to have on file at the Village Hall and to have signed by any party borrowing Village property. Ms. Peterson stated she had drafted a form and it was set for review on item 7H(3). President Stiles made a motion to approve the request from Justin Schuenke. Trustee Baumann seconded, and the motion carried 7-0.
- 2) **Discussion and possible action on a proposal from Odling Construction, Inc. on Wildwood Park drainage and grading.** Trustee Baumann stated that this quote was for work to be completed at Wildwood Park. She stated the Village's Public Works Superintendent had gotten two quotes, and Odling had been the lower price. Mr. Veley stated that this work would hopefully resolve the issue of Wildwood Park flooding. Trustee Baumann made a motion to approve the quote from Odling Construction. Trustee Seefeldt seconded, and the motion carried 7-0.
- 3) **Review and possible action on a Village of Darien Property Loan Agreement Form.** Ms. Peterson stated that the proposed form had not been reviewed yet by the Village's attorney, so she would accept any changes provided. Mr. Lochowicz stated that the Village Board could approve the form subject to attorney review and approval. President Stiles made a motion to approve the form subject to attorney review and approval. Trustee Baumann seconded, and the motion carried 7-0.
- 4) *Next meeting scheduled for June 15, 2022 at 5:30 p.m. at Village Hall*

I. Personnel Committee, President Stiles

- 1) *Next meeting not currently scheduled*

J. Darien Fire/EMS Department Liaison Update, President Stiles

- 1) **Review and possible action on the 1st Amendment to the Metro contract for year 2 of DSW services.** Ms. Peterson stated that this was the formal amendment to the Metro Contract for the Darien-Sharon-Walworth group. She stated that the contract cost presented for year 2 is the same already approved by the Village Board and in the 2022 Budget. President Stiles made a motion to approve the amendment. Trustee Atkinson seconded, and the motion carried 7-0.
- 2) **Review and possible action on an MOU changing the Point of Contact with Metro from retired Darien Chief Justin Schuenke to Sharon Chief Nick Maise.** Ms. Peterson stated the Metro contract had retired Chief Justin Schuenke listed as the point of contact. The Darien, Sharon, Walworth Chiefs discussed the change of POC and agreed that Sharon Chief Nick Maise would now be listed as Metro's POC. Trustee Truckey made a motion to approve the MOU. President Stiles seconded, and the motion carried 7-0.
- 3) *Next meeting: Monday, June 6, 2022 at 7:00 p.m. at the Darien Fire/EMS Station*
- 4) *Next meeting of the Joint Commission of Fire and EMS Commissioners not currently scheduled*

8. Licenses (None)

9. Review of Resignation of Village Trustee Cheryl Kaufenberg and discussion relating to how to fill the vacancy on the Village Board. Ms. Peterson stated that former Trustee Kaufenberg had submitted her resignation letter on April 25th. This created a vacancy on the Village Board for a term ending in April 2024. She stated there were three options to fill the vacancy. She stated that the Board can choose to appoint a qualifying resident to fill the vacant seat. The Board can consider holding a special election for the seat as well. Ms. Peterson stated she called the Wisconsin Election to ask about hold a special election in August. The Wisconsin Election Commission stated it could not be held for the upcoming August primary, so the Village Board would have to wait until after the primary, and would have to bear the entire cost of the special election held. The last option was to leave the seat vacant for the remainder of the term. She stated the Village Board had utilized all three of these options in the past. The Board discussed the possibility of appointing an individual to fill the spot, given the cost of a special election. Trustee Truckey stated the election last month did not even have enough individuals fill out paperwork to run as Trustees, so the Village could end up holding a special election and still not get enough interest. Trustee Baumann asked if there was anyone in mind if the Village Board chooses to appoint someone. President Stiles stated Greg Epping had reached out to her offering to fill the seat if needed. Trustee Baumann asked, since Mr. Epping was recently appointed as a citizen member of the Plan Commission, who would fill that seat? President Stiles stated Mr. Epping had recommended Steve Kastning if he was interested. Attorney Lochowicz stated that if the Board does decide to appoint, then the question currently is, what will the process be? Mr. Lochowicz stated that the Board could request applications from interested individuals and then review the applications at the next Village Board meeting. Trustee Truckey asked if a deadline could be set for the Friday before the next Village Board meeting. Ms. Peterson stated that she thought that should work. President Stiles stated that the request for applications could be advertised on the Village's website and in the Family Connections. Trustee Truckey made a motion to move forward with a request for applications from interested Village residents, with a plan to appoint a Trustee to fill the vacant seat. Trustee Seefeldt seconded, and the motion carried 7-0.

10. The Village Board may adjourn into closed session pursuant to Wis. Stats. 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session [DRAFT Developer's Agreement between the Village of Darien and NewCold Darien, LLC]. At 7:55 p.m., President Stiles made a motion to adjourn into closed session. Trustee Truckey seconded, and the motion was approved by unanimous roll call vote.

11. The Village Board will reconvene in open session. No action will be taken. At 9:11 p.m., President Stiles made a motion to reconvene in open session. Trustee Truckey seconded, and the motion carried 7-0. No action was taken.

12. Adjourn. At 9:12 p.m., President Stiles made a motion to adjourn the meeting. Trustee Truckey seconded, and the motion carried 7-0.

Respectfully Submitted,
Lindsey Peterson, Administrator/Clerk-Treasurer

Date approved by Village Board: June 20th, 2022