

AGENDA
for
VILLAGE OF BLACK EARTH VILLAGE BOARD MEETING AND PERSONNEL COMMITTEE MEETING

Tuesday, August 7, 2012 at 6:30 p.m. at the Black Earth Municipal Building, 1210 Mills St.

Call to Order the Village Board by Village President

Recitation of Pledge of Allegiance

- 1) Confirmation of Quorum and Roll Call of Members of the Village Board
- 2) Confirmation of Public Notice and Compliance with Open Meetings Laws
- 3) Public Comment on Items Not on the Agenda (Limit 3 minutes per person.)
- 4) Discussion/action on Jim Sutter Request to Release him from the Letter of Credit for Ripp Meadows
- 5) Discussion/action on Committee Reports
 - 5.1 Vanguard Commission (Pat Troge)
 - 5.2 Black Earth Fire District (Pat Troge)
 - 5.3 Good Neighbor Committee (Ted Pritchett)
 - 5.4 Dane-Iowa Wastewater Commission (Pat Frey)
 - 5.5 EMS Committee Report (Beth Marty)
 - 5.6 Police Committee Report (Beth Marty)
 - 5.7 Library Committee Report (Renee Bratton)
 - 5.8 Public Works Committee Report (Troy Esser)
 - 5.9 Plan Commission Report (Pat Frey)
 - 5.10 IT Committee Report (Pat Frey)
 - 5.11 Parks Committee Report (Beth Marty)
- 6) Discussion/action on Invoices
- 7) Discussion/action on Application for Temporary Class "B"/"Class B" Retailer's License by the Black Earth Chamber of Commerce for Black Earth Field Day's
- 8) Discussion/action on Application for Public Amusements and Amplifying Devices by the Black Earth Chamber of Commerce for Black Earth Field Day's
- 9) Discussion/action on Black Earth Street Use Application Form
- 10) Old or new business (to be discussed but not voted upon)
- 11) Consideration/motion to enter into closed session pursuant to Wis. Stats. 19.85(1)(c) and (e) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Roll call vote)
 - a) Discussion of Village Administrator Position

12) Consideration/motion to arise from closed session (Roll call vote)

13) Consideration/motion on action from closed session

14) Next Village Board Meeting September 4, 2012

15) Adjournment of Village Board Meeting

PROOF OF POSTING: A copy of the notice was delivered 8/3/2012 to the following: faxed to the News Sickle Arrow, the official newspaper for the Village; posted at the Black Earth Municipal Building and Black Earth Post Office and faxed for posting to the State Bank of Cross Plains - Black Earth Branch.

Please Note:

- It is possible that members of and possibly a quorum of members of other government bodies of them municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.
- Please note that upon reasonable notice all reasonable efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk at 608-767-2563, ext 224 or 1210 Mills Street., Black Earth, Wisconsin, or by fax at 608-767-2064.
- This notice may be amended in order to comply with Wisconsin's Open Meetings law. If this notice is amended, the final notice will be posted and provided to the media no later than 24 hours prior to the meeting or no later than 2 hours prior to the meeting, in the event of an emergency.

Village Board Members: Pat Troge (Village President), Renee Bratton, Troy Esser, Beth Marty, Ted Pritchett, James Coyle and Pat Frey

Dated From:
Thru:From Account:
Thru Account:

Voucher Nbr	Check Date	Payee	Amount
1	8/07/2012	ALLIANT ENERGY RESOURCES PURCHASED POWER	139,937.16
2	8/07/2012	BADGER WELDING SUPPLY INC. WELDING CYLINDER RENTAL	12.20
3	8/07/2012	AFLAC EMPLOYEE ADDITIONAL INSURANCE	232.42
4	8/07/2012	JOHNSON BLOCK & COMPANY INC. WDOR REPORT AND AUDIT PROGRASS BILLING	5,000.00
5	8/07/2012	CRESCENT ELECTRIC SUPPLY CO. BRIDGE CONNECTIONS	25.57
6	8/07/2012	DANE COUNTY TREASURER CONTRACTED POLICE PROTECTION	16,533.14
7	8/07/2012	BEACON ATHLETICS BALL PARK SUPPLIES	353.37
8	8/07/2012	HERITAGE CRYSTAL CLEAN LLC PARTS WASHER CLEANER	65.16
9	8/07/2012	DANE COUNTY CLERK DANE COUNTRY DIRECTORIES	20.00
10	8/07/2012	PREMIER COOPERATIVE GAS, DIESEL, OIL AND SUPPLIES FOR V OFFI	1,593.93
11	8/07/2012	USA BLUE BOOK FUNCTION & INJECTION VALVE	206.93
12	8/07/2012	PFEIL, MILONZI, & CURRAN S.C ATTORNEY BILLS	962.50
13	8/07/2012	DJ SEPTIC CONTRACTED TOILET RENTAL	150.00
14	8/07/2012	DANE-IOWA WASTEWATER COMMISSION TREATMENT EXPENSE	26,218.99
15	8/07/2012	CROSS PLAINS TRUE VALUE HARDWARE	46.04
16	8/07/2012	BAER INSURANCE LIABILITY & WORK COMP INSURANCE	4,788.00
17	8/07/2012	DEPARTMENT OF WORKFORCE DEVELOPMENT UNEMPLOYMNET INSURANCE FEE	50.00
18	8/07/2012	WECC LOW INCOME ENERGY ASSISTANCE	20.85
19	8/07/2012	DECKER SUPPLY CO. INC STREET SIGN	41.49

Dated From:
Thru:From Account:
Thru Account:

Voucher Nbr	Check Date	Payee	Amount
20	8/07/2012	FUHRMAN & DODGE SC PROSECUTION ATTORNEY SERVICES	315.00
21	8/07/2012	JANI KING MONTHLY CLEANING CONTRACT	300.00
22	8/07/2012	THE SHERWIN WILLIAMS CO. CURB / CROSSWALK PAINT	575.60
23	8/07/2012	CENEX FLEET FUELING POLICE DEPARTMENT FUEL	501.36
24	8/07/2012	NEWS PUBLISHING COMPANY INC. OF MT.HOREB PRINTING/PUBLISHING	295.40
25	8/07/2012	CONNEY SAFETY CROSS WALK FLAGS	96.00
26	8/07/2012	NATIONAL INSURANCE SERVICES LONG TERM DISABILITY INSURANCE	147.14
27	8/07/2012	DEW SIGNS & ENGRAVING LLC "NO FIREARMS" SIGNS	124.75
28	8/07/2012	PITNEY BOWES INC. POSTAGE FOR POSTAGE MACHINE	2,328.00
29	8/07/2012	CENEX FLEET FUELING PW, W, S, E, GAS/DIESEL/OIL	159.43
30	8/07/2012	RICOH AMERICAN CORPORATION PRINTER, COPIER, FAX, SCANNER QTRLY RENT	514.53
31	8/07/2012	HAWKINS, INC. WATER DEPARTMENT CHEMICALS	277.10
32	8/07/2012	TOWN & COUNTRY SANITATION, INC MONTHLY REFUSE/RECYLING CHARGES	5,929.20
33	8/07/2012	LOUIS SAEMAN'S SONS, INC. PARK SUPPLIES	44.94
34	8/07/2012	FIRST STUDENT SUMMER REC / SWIM BUS	625.00
35	8/07/2012	BENDER & ASSOCIATES REALTY REFUND ON PROPERTY UTILITY FINAL BILL	21.80
Grand Total			208,513.00

8/02/2012 12:22 PM

In Progress Checks - Quick Report - ALL
ALL Checks by Voucher
CHECKING

Page: 3
ACCT

Dated From:
Thru:

From Account:
Thru Account:

	Amount
Total Expenditure from Fund # 100 - GENERAL FUND	32,122.88
Total Expenditure from Fund # 500 - ELECTRIC UTILITY	144,574.14
Total Expenditure from Fund # 600 - WATER UTILITY	3,040.51
Total Expenditure from Fund # 700 - SEWER UTILITY	28,775.47
Total Expenditure from all Funds	208,513.00

**VILLAGE OF BLACK EARTH
PUBLIC AMUSEMENTS AND AMPLIFYING DEVICES
APPLICATION FORM**

(Ref Village Ordinance 18.02, (10) (c))

Fee: 0 Per Day
Amount Enclosed: _____

Sponsors of Event: Black Earth Chamber - Field Days Committee
Contact Name: Beth Mauley - Tom Farnell
Mailing Address: P.O. Box 124, Black Earth, WI 53515
Telephone Number: 608-516-1907
Date of Birth: 5/10/65
Drivers License or Other Form of Identification: WI - M630-0616-5670-04

Detailed Description of Event: Community Festival - Beer Tent, Kids Events
Parade, Ball Tournaments
Dates/Time: August 10-12, 2012
Exact Location of Event and Premises Description: Veteran's Park, Community
Park

Has applicant submitted an application form with the village in the past two years? Yes
If so, please describe event, including dates: Memorial Day Fest, Field Days
8/2010 & 2011 - ~~also~~

I certify that all information provided on this form is true and correct. I am familiar with the laws, ordinances and regulations and I hereby agree, if granted said permit, to obey all provisions of said laws. I agree to comply with all applicable building, electrical and plumbing codes. I hereby authorize employees of the Village of Black Earth to obtain information and records from law enforcement agencies, or other sources, to verify the information contained in this application.

Beth A Mauley
Signature

July 9, 2012
Date

Subscribed and sworn to before me
this 9 day of July, 12

Stephanie Lathrop
Village Clerk or Notary Public
My commission expires _____



Application Date: July 9, 2012 Village Clerk Approval: Slathrop
Police Chief Approval: _____
Comments: _____
Board Approval Date: _____ Conditions of Approval: _____

APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 50-

Application Date: July 9, 2012

Town [] Village [x] City [] of Black Earth County of Dane

The named organization applies for: (check appropriate box(es).)

- [] A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
[] A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 8/9/12 and ending 8/12/12 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION (check appropriate box) [] Bona fide Club [] Church [] Lodge/Society [] Veteran's Organization [x] Fair Association

(a) Name B.E. Chamber-Field Days

(b) Address Mills St. Black Earth
(Street) [] Town [x] Village [] City

(c) Date organized 1900

(d) If corporation, give date of incorporation

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: []

(f) Names and addresses of all officers:

President Thomas Parnell

Vice President Beth Mauley

Secretary Pam Louis

Treasurer Rita Miller

(g) Name and address of manager or person in charge of affair: Tom Parnell - 2133 Center St. Black Earth, WI 53515

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD:

(a) Street number

(b) Lot Block

(c) Do premises occupy all or part of building? All Block

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover.

3. NAME OF EVENT

(a) List name of the event Field Days

(b) Dates of event August 10-12, 2012

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Beth A. Mauley (Signature/date)

(Name of Organization)
Officer (Signature/date)

Officer (Signature/date)

Officer (Signature/date)

Date Filed with Clerk

Date Reported to Council or Board

Date Granted by Council

License No.

VILLAGE OF BLACK EARTH STREET USE APPLICATION FORM

Name, address and telephone number of the applicant or applicants: **Field Day's - Beth A. Marty 2133 Center St. Black Earth, WI 53515**

Name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization (if applicable): **Black Earth Chamber of Commerce- Field Day's Committee**

Name, address and telephone number of the person or person who will be responsible for conducting the proposed use of the street: **Black Earth Field Day's Committee - Tom Parrell, Beth Marty - 2133 Center St. Black Earth, WI 53515**

The date and duration of time for which the requested use of the street is proposed to occur: **Friday, August 10 - Monday Morning, August 13, 2012.**

An accurate description of that portion of the street proposed to be used, including route map if applicable: **Park St. Between Mills St. and Center St.**

The approximate number of persons for whom use of the proposed street area is requested: **N/A**

The proposed use, described in detail, for which the Street Use Permit is requested: **Street will be used to store the cooler truck and work trailer. We will also use the Street for Childrens Tractor Pulls and Firefights on Saturday Morning.**

The amount of any law enforcement that will be needed for traffic control, or any other anticipated law enforcement needs: **N/A**

I certify that all information provided on this form is true and correct. I am familiar with the laws, ordinances and regulations and I hereby agree, if granted said permit, to obey all provisions of said laws. I agree to comply with all provisions of said laws.

Signature of Applicant _____ **Beth A. Marty** _____ **July 9, 2012** _____
Printed Name of Applicant Date of Application

Amount Owed: _____ Date Paid: _____ Fee Paid (per day): _____

Approvals:

Village Clerk _____ Public Works _____ Police _____
Dated: _____ Dated: _____ Dated: _____

Village Board Approval Date: _____

Conditions of Approval: _____

236-11
Village of Black Earth Street Use Ordinance
Ordinance 05-O-02

§ 236-11. Street Use Permits.

- A. **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained. This ordinance is adopted pursuant to the authority granted to the Village in the Wisconsin Statutes including but not limited to, Chapters 61, 86, 340, 346, 349 and § 349.185(1).
- B. **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. The application shall set forth the following minimum information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used, including route map if applicable.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
 - (8) The amount of any law enforcement personnel who may be needed for traffic control, or any other anticipated law enforcement needs.
- C. **Review by Administrative Officials.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by the Village Clerk and forwarded to Public Works and the Police for their recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- D. **Representative.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

E. **Mandatory Denial of Street Use Permit.** An application for a Street Use Permit shall be denied if:

- (1) The proposed street use is primarily for private or commercial gain.
- (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of six (6) hours.
- (6) The proposed use could equally be held in a public park or other location.

In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

F. **Permit Fee.** Each application for a Street Use Permit shall be accompanied by a fee of \$20.00.

G. **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents and/or business owners over eighteen (18) years of age residing along that portion of the street designated for the proposed use within ninety (90) days of the event. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Black Earth, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____, the _____ day of _____, 20____, for the purpose of _____ and do hereby consent to the Village of Black Earth granting a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Black Earth shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than six (6) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- H. **Insurance.** The applicant for a Street Use Permit may be required by the Village Board to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Black Earth. The applicant may be required to furnish a performance bond prior to being granted the permit.
- I. **Clean Up Requirements.** The holder of any permit issued under this section shall return the street to the condition that existed prior to the use within 12 hours after the permit expires. The Village will make such restoration in the event that the permit holder fails to do so and shall bill the permit holder for the cost incurred by the Village in performing the work. These clean up requirements and acceptance of such Village charges is an express condition of granting the Street Use Permit. Failure to make timely payment within a reasonable time after receiving the bill shall constitute an additional ground for the refusal to the permit holder of any other permit in the future.
- J. **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Police if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the Village of Black Earth.
- K. **Penalty Provision.** The penalty for violation of any provision of § 236.11 of this ordinance shall be as provided in Chapter 1 General Provisions § 1-4 of this Code.

Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Village Board would have passed the other provisions of this ordinance, irrespective of whether or not one or more provisions may be declared invalid. If any provision is declared invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 6th day of April, 2005.

Published: 5-12-05

Approved by: Village President, Jeanne Poast

Motion by: Kurt Karbusicky

Attested by: Village Clerk, Tina Butteris

Second by: Mitch Hodson