

VILLAGE OF ELLSWORTH BOARD MEETING
March 5, 2021 10:00 a.m.

130 N. Chestnut St. Lower Level Boardroom (East Rear Entrance)

Due to the direction of Governor Tony Evers, in person attendance will be limited to space available.

Emergency Special Meeting Minutes

1. Call to Order at 10:00 a.m. by Village President DeWolfe

Members Present: Trustees Becky Beissel, Michael J. Steele and Curt Wandmacher

Staff Present: Village Administrator/Clerk-Treasurer Stewart

Others Present: Village Attorney Bob Loberg, The Pierce County Journal

MSC (Wandmacher, Steele) to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(e). **Unanimous** after a roll call vote.

- 2. Closed Session:** The Village Board adjourned to closed session pursuant to Wisconsin Statutes, Section 19.85(1)(e) Competitive or Bargaining Reasons. Deliberating of or negotiating for purchase of the BMO Bank Building.

MSC (Wandmacher, Beissel) to go back into open session. **Unanimous** after a roll call vote.

Meeting reconvened into open session to take or announce action, if any and if appropriate, and to consider other agenda items. **MSC** (Steele, Wandmacher) to accept the written notes that Attorney Bob Loberg put together. **Unanimous.**

Attorney Loberg's Notes:

The Village Board consulted with atty Loberg in closed session concerning further negotiations with BMO Harris Bank thru realtor John Kardellis. This followed the Phase I Environmental Site Assessment report from Ayers which concluded there was previously located on the Bank premises an underground fuel oil tank serving the Bank. Further investigation by Board members Beissel and Wandmacher found that prior Bank remodeling contractor William Holst (Holst Excavating) believed the tank was removed as part of the 1980s construction project – but he could not verify same. Also, that former Bank Vice President P. Leland Skog also believed the tank had been removed but knew of no proof of same. Also, that Jack Hofmeister, Hofmeister Oil, Inc., reported pumping the fuel out of the tank and that he believed the tank was then removed, but he had no proof of same. The State records show a tank was located on site but there is no proof of removal.

The Site Assessment did not report any known hazardous material present on the site, leaching into the site soil or onto adjoining properties.

BMO is willing to give the Village a \$100,000 price reduction or a 25-year indemnification against loss or damage resulting from environmentally hazardous materials on site.

The Board believes that a price reduction is the best avenue provided BMO assures the Village it gives the representations set forth in par. 2 of the proposed indemnification agreement. The proposed indemnification agreement, even though extending 25 years, would not give assurance beyond that time and environmental issues could be discovered long after that, in which case the proposed indemnification would prove useless.

The Board believes that while it is not the case there is “no risk” in acquiring the property knowing there could be a hazardous material issue, the Village believes there is “low risk” and it is therefore justifiable and advisable to proceed with the purchase and accept the substantial price reduction of \$100,000.

3. Adjournment