

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, JANUARY 9, 2006
Unofficial until approved by the Village Board
Approved as written () or with corrections () on _____

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, January 9, 2006, at the Village Hall, 31275 W. Hwy K, Chenequa. Legal requirements for notification of the news media were met. The following were in attendance:

Mr. Styza / President – present
Ms. Seidel / Trustee – present
Mr. Gehl / Trustee – present
Mr. Foote / Trustee – present
Mr. Harkness / Trustee – present
Ms. Villavicencio / Trustee – absent
Dr. Tyre / Trustee – absent
Mr. Krutz / Village Attorney – present
Mr. Douglas / Administrator -Police Chief – present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Kelly Smith – Lake Country Reporter
Lynn Grosch – Deputy Clerk
Judge Doug Stern
John Taylor
David Mach- Netwurx
Bill Biersach

Public comment period

None.

Lake Country Municipal Court annual update by Judge Stern

Judge Stern addressed the board explaining that the Court has been cost-effectively delivering governmental services, and went on to explain this was the first court of this type in the state. He referred to his handouts, saying the bar graphs illustrated the growth of the court. Judge Stern then spoke of Act 54, saying it had been passed and takes effect April 1st of this year. He noted the Act increases fees which had not increased since 1996, and that costs had increased substantially since that time. In 1996 when the court began 8,000 tickets were handled but with the same number of employees, in 2005, 14,000 tickets were handled. Efficiency was increased by investing in technology, allowing the court to get through cases quickly and fairly.

Approve Minutes of December 12, 2005 Board Meeting

Motion (Harkness/Seidel) to accept the amended minutes of the December 12, 2005 Board Meeting. *Carried Unanimously.*

Report of Village Administrator

a) Update on Internet providers in the Village

Administrator Douglas explained that the Board had indicated they wanted more research done into the issue of viable Internet providers. The firm Netwurx was brought in again and held a meeting with Rob Foote and John Taylor as well, for a question and answer period. The Administrator then asked that the representative from Netwurx who was in attendance at the meeting address the Board. Mr. Mach explained that his company is fitting in the areas between Milwaukee and Madison. The cost to residents would be approximately \$300. Trustee Foote then said if you compare that cost with Direct TV, the cost would be \$600 to \$900 if going off a satellite. Mr. Mach then explained if you go to a satellite, there is a time gap. Also any time there is heavy rain or snow, you're often out of service. Trustee Harkness questioned the amount of the monthly fee. Mr. Mach said the fee would be about \$25.00. Trustee Harkness then asked if the fee would remain the same if the number of users changed. The representative from Netwurx said the fee would remain the same. He also stated that the system would be tested at no cost to the village, and that they are asking for \$5,000.00 to get started which is to be paid back over time. Administrator Douglas then asked the representative if we came up with the \$5,000, could North Lake also be done. The representative from Netwurx felt the Erin tower with the Chenequa tower should cover all.

Next John Taylor addressed the Board, and started by explaining his background. He then told the Board he thought Netwurx had a high degree of creditability and that they were promising only what was reasonable. He also noted the company had agreed to give Chenequa a unilateral out if not satisfied, and the equipment used was Motorola, a very reliable brand. He also felt that \$5,000 was a realistic figure, and said the proposal is structured so users will repay the Village. He thought this was a relatively inexpensive way to get additional users.

Motion (Harkness/Foote) to empower the Village Administrator to enter into an agreement to provide \$5,000 as a loan, with a stipulation as to the manner of payback. *Carried Unanimously.*

Trustee Seidel then asked if when the new equipment was put on, was the existing equipment to be removed. The representative from Netwurx said the equipment would need to be removed when they were successful.

Clerk/Treasurer – Present Invoices for approval; report on investment activity

Trustee Seidel questioned as to why insurance didn't cover the charges for CDL testing and the police physical. Administrator Douglas explained the random CDL testing was required by the state, and the police physical was for a new part-time officer so would not be covered by insurance. Motion (Harkness/Seidel) to approve payments as presented. *Carried Unanimously.*

Investment activity was reviewed by the Board, and no action was required.

Committee Reports

Public Safety – No report

Operations – No report

Plan Commission – No report

Open Space – No report

Board of Appeals – No report

Personnel Committee – No report

Hwy 83 Task Force – No report

Emergency Government Committee – No report

Internet Ad Hoc Committee – No report

Building Zoning Ad Hoc Committee – Meeting scheduled for January 10th

Discussion and/or action as it relates to water management issues and high capacity wells

Attorney Krutz said there are no changes on the water issue at this time.

Nomination papers update

Clerk Zimdars told the Board that 3 candidates had turned in nomination papers to fill the three vacancies on the Village Board. Those turning in papers were Kathy Seidel, Robert Foote, Jr., and Susan Wilkey. Administrator Douglas mentioned that he would make sure that Susan Wilkey would get a copy of our 2006 budget in order for her to get a head start.

Consider appointment to the Plan Commission

President Styza said he appointed Bob Bellin to the Plan Commission, and explained that he had served on the Hwy 83 task force, as well as the Operations committee, and that he had an engineering background. He also noted that Mr. Bellin is not a lake resident.

Motion (Styza/Harkness) to appoint Bob Bellin to the Plan Commission. *Carried Unanimously.*

Report of Village President

President Styza said the Village continues to discuss the possibility of a fire merger. The next meeting is on the 18th, and another meeting is scheduled for February. Trustee Foote asked for clarification of issues being discussed through the merger talks. It was then explained to him that they are trying to discover if there is an advantage to coming together, noting we have the equipment but are limited in personnel, and not sure the merger will save the Village money.

President Styza said he sensed at the last Board meeting we needed an outside observer. He called Phil Evanson, director of SEWRPC, to see if he could help. Mr. Evanson said it was of such personal interest to him he would see to it personally. Trustee Harkness then said that it was not about lowering costs, but rather, improving service.

Report of the Village Attorney

Attorney Krutz said that 2 proposals from the Ad-Hoc committee were tackled. The first was size and scale of homes. He noted that he couldn't report on the

possible effect since the audit wasn't complete. He also stated that as proposed and drafted, it would fit within our code and he made no drafting changes. Page 2 of the memo from Attorney Krutz defined living area and structure and nothing inconsistent was found. Sub 1 contains exceptions (patio, pump houses) and the Board should decide if exceptions are to be incorporated. Section 6.05(4)(c) addressed side yard, set back, and other dwellings. It was noted that "other dwellings" is not defined under the current code. He questioned whether other exceptions should be allowed, and recommended an audit be completed, because residents will ask, "Who is affected or how does it effect me?"

Next Bill Biersach addressed the board explaining the proposal submitted dealt with 2 issues- distance from residences or recreational facility, making it a little more stringent with homes that are getting larger.

Administrator Douglas said the audit will be extensive. Only 5 or 6 houses need to be checked so it could be done in a relatively short time and won't take as long as originally thought. President Styza said that he wanted to see this go back to the Ad-Hoc committee to review. Trustee Foote then mentioned that section 6.02 (10) is very much open to subjective opinion, noting we can put this in our zoning code but still might get shot down. Trustee Harkness said subjective language allows everyone to talk to each other. Attorney Krutz said the more vague the language the more it is subject to challenges. Trustee Gehl said that 2 parts of the code were saying conflicting things so any effort to clean up the code from a planning standpoint would be appreciated. Attorney Krutz said there are 2 or 3 issues to be reviewed by the Ad-Hoc committee and then they would be ready for full board review.

Next Attorney Krutz addressed the issue of permitted uses, which was distributed last time. Here he also recommended a discussion be had with the Ad-Hoc committee so he could advise of potential problems. The consensus of the Board was to recommend that recommendation be accepted.

Review process for possible issuance of a moratorium on building permits pending Village review of Building and Zoning Codes and consider whether to adopt such a moratorium.

Trustee Seidel said there is nothing in our Village Code - Church, School, Country Clubs are permitted. Now there is talk of 11 acres for a permit to construct a church/school, and we have nothing saying they can't cover all 11 acres with concrete, and until this issue is resolved, we shouldn't be accepting or starting the process of issuing a permit. Trustee Seidel felt a moratorium on ALL permitted uses should be in place until we have carefully looked at the code. President Styza said we can't have an ordinance that excludes places of worship. If we had to have a zoning category for places of worship and identify where that is that could be enough to satisfy the requirements of the Village. He said, "We can't make it so restrictive that no one can be there." Mr. Biersach then asked since the committee is in the middle of re-writing this code, is it unreasonable to tell the land owner we're not ready to look at the application right now. Trustee Gehl asked if Mr. Biersach had a specific time frame in mind, so that if a moratorium were issued it wouldn't be in place indefinitely. Mr. Biersach answered saying the committee wants to get through these issues as soon as possible. Trustee Gehl

said the concern is that we don't get a lot of permits for public construction, so we look like we're targeting, so need to have a definite end date. Trustee Foote asked how quickly the permitted Use code could get done. Attorney Krutz said we would probably be looking at a 60-day window to be sure everyone is on the same side, and then could schedule public hearings 2 weeks later. Then both Trustee Harkness and President Styza mentioned they were not comfortable with a moratorium. President Styza said we should hold off because of the audit, but now, thinking that through, it won't take much time, and we could set a public hearing for next month. Attorney Krutz reminded Board members that they needed to set forth choices 2 weeks before the hearing. Trustee Harkness said the hearing should be set for the March Board meeting, and that he would feel very uncomfortable not seeing the final language before the public hearing. Trustee Gehl then asked for clarification questioning if the moratorium was not to be on all building, but only permitted use. Trustee Seidel said that is not what she meant. Attorney Krutz said with a public hearing you have a chance to succeed, and if all requirements are fulfilled, then some would be grandfathered in. Trustee Seidel said this seems to be inconsistent with what the Village has professed to believe in. Chairman Styza said he didn't hear a consensus.

Any new business.

None

Adjournment

President Styza adjourned the meeting at 8:45 p.m., *Carried Unanimously.*

Respectfully submitted by:

Approved and Ordered Posted by:

Bonita Zimdars
Clerk/Treasurer

Bryce Styza
Chenequa Village President