

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, SEPTEMBER 11, 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, September 11, 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. Wilkey / Trustee – present
Ms. Seidel / Trustee – present
Mr. Gehl / Trustee – present
Mr. Foote / Trustee – present
Ms. Villavicencio / Trustee – present
Dr. Tyre / Trustee – present

Attorney David Krutz / Village Attorney – present
Mr. Douglas / Administrator -Police Chief – present
Mr. John Tising/ Building Inspector - present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Tom Rolfs
William Biersach
Brian Nahey

Public comment period.

None.

Review and consider recommendation of submissions by the Building/Zoning ad-hoc committee for Village Code sections: 5.03 Building and Land Disturbance Permits, 5.20 Swimming Pool Regulations, 5.22 Driveway Regulations, 5.23 Outdoor Lighting, 6.09 Removal of Shore Cover, and 6.10 Violation, Penalty.

President Styza said he would like to take item 7 out of order in order to accommodate members of the building/zoning ad-hoc committee that were in attendance at the meeting. He explained that due to controversy over a few houses in the Village, the Plan Commission and Village Board determined an Ad-Hoc committee should be formed. William Biersach and Kathy Seidel co-chaired the committee. The Plan Commission reviewed the changes earlier in the evening. Mr. Styza said the Village may need to set a public hearing.

Mr. Biersach addressed members of the Board asking them to set aside sections 5.16 and 5.17, saying these would not be addressed at tonight's meeting. He told

the Board his committee had been asked to identify areas in the code that needed revisions. He said they looked back at the Plan Commission notes to see where problems were encountered, and also looked at resident's complaints.

Code section 5.03

Mr. Biersach gave a brief discussion of the issue addressed. In 5.02 he said the ad-hoc committee was trying to add a section under permits that dealt with land disturbance; and in 5.03 the committee added subsection C. President Styza questioned if there should be the wording "either" before subsection (1) and "or" before subsection (2). He suggested to also incorporate these changes into one section instead of 2 sections. President Styza told Village Board members that the Plan Commission had recommended by consensus to go forward with section 5.03. Motion (Wilkey, Villavicencio) to move forward the changes to code section 5.03, possibly to a public hearing, Carried Unanimously.

Code section 5.20

Mr. Biersach told Plan Commission members that the current code deals with fencing around the pools. He said his committee addressed other pool concerns such as locations, visibility, and noise disturbance. He then explained the proposed revisions saying this is a re-titled section, with an expanded definition. He also said that a new subsection was added dealing with the location of swimming pools and that numbers (1) and (2) were all new so those paragraphs were found in bold font. He said the committee looked at in-ground pools. They also defined an above ground pool and then indicated that above ground pools are not allowed. He said that spas and hot tubs are not covered under these regulations and said that 2(c) calls for screening, 2 (b) requires equipment to be minimized and house in enclosures, and 2(d) pools are not allowed to be located between a single family residence and a lake. He said that sections 3, 4, and 5 are existing regulations, just renumbered. President Styza said the new regulations would mean if you bought a house on Treasure Island, you wouldn't be allowed to put a pool in since three sides of the home face the lake. Trustee Wilkey said the ordinance should be clarified to say, "lake front". Attorney Krutz asked what would happen if you had a view of the lake, but no lake frontage. President Styza said this applies to a lake lot. Trustee Tyre asked for history of disallowing above ground pools. Mr. Biersach said that was decided due to neighbor visibility, and the looks of an above ground pool. Trustee Tyre said he felt the ordinance was a bit too restrictive. Motion (Gehl, Foote) to approve changes to code section 5.20, Styza(aye), Foote(aye), Gehl(aye), Wilkey (aye), Villavicencio (aye), Tyre (opposed), Motion Carries.

Code Section 5.22

Mr. Biersach told Village Board Members that this ordinance had not been in the Village code previously. He said the Village has a situation where some driveways cause runoff and there is some intrusion on neighboring properties. He said section 5.22 was all new. President Styza pointed out these would be guidelines. Mr. Biersach said it was not the intension of the committee to require massive grading, but felt these guidelines would be a big help. President Styza

said that residents would be required to acknowledge these new requirements. Attorney Krutz said the statute should be reworded so it is clear. He also said that under subsection (3) where going within 10 feet of a neighbor's property is allowed he could imagine a neighbor would argue this point. Motion (Tyre, Villavicencio) to move forward section 5.22, Carried Unanimously.

Code section 5.23

Mr. Biersach said the committee was trying to simplify the requirements to the real issue itself, making it enforceable and at the same time understandable and reasonable. He said a lighting plan would now be required to be submitted and that eliminating excessive glare was the aim of the committee. President Styza said that existing plans would need to comply with this ordinance. He also said that light trespass would not be allowed. President Styza said a compliance date would be set, and should be 5 or 6 months from now for enactment. Trustee Wilkey asked about farm lights that were left on all night. President Styza questioned whether there should be an effective date or if a grandfather clause should be included. Motion (Foote/Gehl) to move section 5.23 forward, Carried Unanimously.

Trustee Tyre said that he understood how daunting of a task it must have been to establish this ordinance, and said there were restrictions in North Lake. He then questioned if a light coming from Chenequa were to bother a Merton resident, would the ordinance be enforceable. Attorney Krutz responded saying, it would be a complaint that would need to be brought to the attention of the Zoning Administrator Douglas and Building Inspector Tising.

Code section 6.09

Mr. Biersach pointed out that there are currently no guidelines for grading or tree removal within 75 feet from the lake shore. He said the committee was concerned about unwanted erosion and water runoff into the lakes, and described the proposed changes. He said if a person wanted to change forestation, it needed to be discussed with the Village Forester. Trustee Tyre questioned what would happen if there was an existing property and on it an old tree simply fell into the lake, and as it fell, it is lifting the lawn more than 12 inches. Building Inspector Tising said common sense rules have been applied throughout these codes. President Styza said the worst thing for the lake is to clear cut the shore. Motion (Foote, Wilkey) to move ahead changes to section 6.09, Carried Unanimously.

Code section 6.10

It was explained by Mr. Biersach that the current section 6.10 describes penalties for failure to comply with any Chapter 6 ordinances, but there were no provisions for addressing tree removal violators. He said the revised ordinance has rules, guidelines, and restoration to help with enforcement of 6.09. He also said the reference to imprisonment was removed. Attorney Krutz said the restoration plan will need to be worked on to be sure enough discretion is given to the Village Forester, and to give it enough teeth.

Motion (Villavicencio, Wilkey) to move forward with section 6.10, *Carried Unanimously.*

Consider setting public hearing date and time on submissions by Building/ Zoning ad-hoc committee.

Next President Styza asked Board members if they wanted to include all sections as part of the Public Hearing, or just section 6, as required. The consensus was to take all revised/new ordinances to Public Hearing.

Attorney Krutz said he would get the ordinances in final form within a week and then they can be published.

Motion (Foote, Seidel) to set the public hearing for Monday, October 9, at 7:00 p.m., to hear comments on most recent submissions by the Building/Zoning ad-hoc committee, *Carried Unanimously.*

Approve minutes of the August 14, 2006, Board Meeting.

Motion (Wilkey, Villavicencio) to approve minutes of the August 14, 2006 Board Meeting, *Carried Unanimously.*

Clerk/Treasurer

Present invoices for approval.

Trustee Foote asked if it was necessary to have Chem Lawn treatments on the grass surrounding the Village Hall. Administrator Douglas responded saying that it was necessary and that this was the first year this was ever done. Trustee Foote said he wouldn't object to lawn treatments on an occasional basis.

Report on investment activity.

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

Review and consider submission by Tom & Gwen Carroll for an addition of entrance pillars to their residence located at 7141 N. Hwy 83.

President Styza explained the proposed project to Board members and told them that the Plan Commission had recommended approval of the plans. Zoning Administrator Douglas stated the plans met all requirements.

Motion (Villavicencio, Seidel) to approve submission by the Carrolls for an addition of entrance pillars to their residence located at 7141 N. Hwy 83, *Carried Unanimously.*

Review and consider submission by Keith and Pam Nettesheim for addition to 2-story residence for their property located at 6642 Wildwood Point Road.

President Styza explained the proposed change to expand the bathroom, and told committee members that the Plan Commission had recommended approval of the plans. Motion (Villavicencio, Tyre) to approve submission by Keith and Pam Nettesheim for addition to 2 story residence for their property located at 6642 Wildwood Point Road, *Carried Unanimously.*

Review and consider Certified Survey Map submitted by Kilbourn Road LLC for conditional approval of Certified Survey Map for the NE ¼ and NW ¼ of Section 16, T8N, R18E, Town of Merton, Waukesha County, Wisconsin per Village Code 6.18 extraterritorial jurisdiction.

President Styza explained the CSM is for a property located in North Lake, for which Chenequa has extra territorial jurisdiction.

Motion (Villavicencio, Gehl) to approve the CSM submitted by Kilbourn Road LLC, *Carried Unanimously.*

Consider approval of ordinance to create a higher warrant service fee pursuant to Wisconsin Statutes Section 814.705.

Police Chief Douglas explained to Board members that this resolution had been presented to the Public Safety Committee, and they had recommended approval. This ordinance would allow the Village to add on an additional twenty-five dollar fee for failure to pay fines in a timely manner. This fee was not previously allowed, but now legislation allows the fee to be charged. Motion (Foote, Seidel) to approve resolution to create a higher warrant service fee pursuant to Wisconsin Statutes Section 814.705, *Carried Unanimously.*

Committee Reports

Public Safety – Chief Douglas said the committee met on August 22, and approved the Lake Country fire budget for 2007. Presenters from Stone Bank, Hartland, and Delafield Fire Departments were also invited to provide an overview of their EMS services and levels of service offered. The committee agreed to move forward asking for a proposal for full coverage from the Village of Hartland. Chief/Administrator Douglas was asked to seek a proposal from Hartland by the next Public Safety Committee meeting for review and consideration. The change is being made in part to personnel problems at Stone Bank, as well as it would provide uniform coverage to all Chenequa residents. He also said the next meeting would take place Monday night, September 18th.

Operations – Will meet on September 26th to discuss the 2007 budget.

Plan Commission- met earlier this evening

Open Space – no report

Board of Appeals – no report

Personnel Committee – Meeting set for September 26th, in the morning.

Hwy 83 Task Force – Has not met.

Emergency Government Committee – no report

Internet Ad Hoc Committee – Trustee Foote said there were some slight issues that will clear themselves up.

Building Zoning Ad Hoc Committee – met

Lake Management Ad Hoc Committee – Will be meeting soon per Chairperson Villavicencio.

Report of Village Administrator.

Administrator Douglas told Board Members they would be getting their first look at the 2007 budget at the October Board Meeting.

Report of Village President.

Dump remediation update.

It was explained that the dump had been cleared out, but not all the fill was back in yet. Expectations were exceeded in the amount of items that were removed. Trustee Foote questioned if there would be any residual that would cause remediation. President Styza explained that the DNR gives the “all clear” and this closure would be needed in order to sell the property. Zoning Administrator Douglas said the volume was twice what was expected but it was very clean. President Styza said the bad news was that it was going to cost \$250,000 to make it ready for sale, but the good news was that there would then be 2 5-acre lots or one 14 acre lot that could be sold. Zoning Administrator Douglas said he had spoken with Assessor Schultz and was told a 5 acre lot should sell for \$300,000.00 on the low end, saying his estimates were based on what is listed and what is sold. He thought the high end could bring \$350,000.00 to \$375,000.00. President Styza asked the Board if it should be listed for sale and who they would want to sell it. Trustee Seidel asked why good land would be a remnant, and President Styza responded saying that the remnant is all wetland. Trustee Foote suggested putting the remnant in conservancy. Attorney Krutz said the Village would have discretion as to how it could get proposals.

Report of Village Attorney.

None.

Any new business.

None.

Adjournment.

President Styza adjourned the meeting at 8:50 p.m.

Respectfully submitted by:

Approved and Ordered Posted by:

Bonita Zimdars
Clerk/Treasurer

Bryce Styza
Chenequa Village President