

## Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING  
MINUTES OF MONDAY, DECEMBER 10, 2007  
Unofficial until approved by the Village Board.  
Approved as written (X) or with corrections ( ) on 1-13-2008

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, December 10, 2007, at the Village Hall, 31275 W. Hwy K, Chenequa. Legal requirements for notification of the news media were met. Following is the attendance list:

Mr. Styza / President – present  
Ms. Wilkey / Trustee – present  
Ms. Seidel / Trustee – absent  
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  
Ms. Zimdars / Clerk-Treasurer – present

### Attendance

Don Merkel, Doug Stern, Tom Rolfs, Jim Huber

### Public Comment Period

Resident Jim Huber addressed the Village Board with concerns he had regarding the proposed burning ordinance. First he asked Administrator Douglas how many burning violations he had seen over the last year, and Administrator Douglas told him there were none. Then Mr. Huber questioned how many violations there had been over the last five years, and Administrator Douglas told him that number would be five or less. President Styza explained that as a result of a prairie burn last year, the Board was being asked to address the burning ordinance. Mr. Huber explained that he had been clearing land for over 30 years, burning down buckthorn and replacing it with desirable trees. He said he did no burning except in the winter or spring when the threat of the fire spreading is down. Mr. Huber said it would be impossible to keep land like his clear under the restrictions being proposed. He also said he felt the revisions would cause people to burn a lot more often, perhaps creating more of a hazard. Mr. Huber said the system has been working as it is, and questioned why the Board would want to put residents through something so difficult. He said the proposed restriction on the size of the piles was the issue with which he had a problem.

Resident Donald Merkel spoke, saying he agreed with the concerns brought forward by Mr. Huber. President Styza then pointed out that the revised burning ordinance addressed the concerns of Mr. Huber. Attorney Krutz pointed out that Section 8 of the proposed ordinance defines the types of burning that would have no restrictions. Mr. Merkel asked if the dawn to dusk provision would still be applicable. Trustee Gehl pointed out that Section 8 of the ordinance excludes all outdoor fireplaces and therefore the dawn to dusk provision would not apply. Mr. Huber said that paragraph one is redundant, saying there should be a period placed after the phrase, "*through issuance of a permit.*"

### Presentation by Judge Stern of the Lake County Municipal Court.

Judge Stern told the Village Board that the Court would be recognizing its twentieth anniversary in 2008. He said the Lake County Municipal Court was the first shared municipal court in the State of Wisconsin. He explained the handouts that were distributed to Board members. Judge Stern said that based on expectations, the Court is projected to be one of the largest municipal courts in the State. He said that significant amounts of revenue are being returned to Waukesha County and the State of Wisconsin. Judge Stern said that space needs had been a concern, but after an assessment had been made the Court will be staying at its current location, the Oconomowoc City Hall, for the next several years. He said there will be extensive updating of technology. Trustee Wilkey asked what hours the Court was open, and the Judge told her every Friday and the third Wednesday of each month. Trustee Tyre noted that between 2002 and 2007 the Court was averaging 30,000 per month and asked the reason for the growth. Judge Stern told him it was due in part to population growth and the fact that there is now more traffic. Trustee Tyre asked if the Judge was seeing any trends in misconduct, and Judge Stern told him he was hearing more drunk driving cases, due mainly to the fact there is more enforcement.

**Review and consider burning ordinance.**

Trustee Foote said he had not considered all of the issues brought up by Mr. Huber. He said either exceptions should be allowed, or the ordinance should be reworded. Trustee Gehl said the proposed ordinance was based on a prairie burn that went poorly. He said that rather than penalizing everyone, a clause should be added addressing habitual offenders. Trustee Foote suggested removing Section 3 altogether. Trustee Wilkey questioned the restriction allowing burning only from dawn to dusk, saying someone should not have to put a fire out at dark. Trustee Villavicencio said the phrase; "ready and sufficient water source must be immediately available" should stay. Trustee Foote recommend deleting Section 3 except for Subsection D & E. Trustee Gehl asked if Section 6 should be stricken and instead included with the nuisance portion. Administrator Douglas said he would like to see Section 6 remain because it gives the Fire Chief the oversight. Trustee Tyre asked if there were any other working farms in the Village with a lot of timber. Mr. Huber said there was a farm on Hwy 83 and North of Hwy K that tries to clear a lot of dead trees and buckthorn. Trustee Tyre asked who authored this ordinance. Attorney Krutz stated it was authored by Administrator Douglas and himself. He said the model ordinance used was from Oconomowoc Lake. President Styza asked for clarification on which sections were to be stricken from the ordinance. Trustee Foote said Sections 3A, 3B, and 3C. Trustee Gehl asked Administrator Douglas if he would want to be aware of the size of the pile, and Administrator Douglas said that would not be necessary unless it would be a very large burn. He said he would be fine with removing Sections 3A, 3B, 3C, but he felt the rest of the ordinance needed to stay to have some enforceability. Trustee Foote pointed out that Section 5 allows a moratorium if conditions are dangerous. Attorney Krutz asked if a permit should be required, and Board members said that would not be necessary. President Styza said Sections 3A, 3B, and 3C should be taken out for the revision.

**Approve minutes of the November 12<sup>th</sup>, 2007 Board Meeting.**

Motion (Gehl, Wilkey) to approve the minutes of the November 12<sup>th</sup> Village Board Meeting, *Carried Unanimously.*

**Clerk/Treasurer**

**Present invoices for approval**

Motion (Villavicencio, Gehl) to approve the November bills, *Carried Unanimously.*

**Report on investment activity**

Investment activity was reviewed and no action was required.

**Review and consider appointment of election inspectors for the 2008-2009 term.**

Motion (Villavicencio, Gehl) to approve the resolution appointing election inspectors for the 2008-2009 term, *Carried Unanimously.*

**Committee Reports**

- Public Safety – No report
- Operations – No report
- Plan Commission – Did not meet
- Open Space – No report
- Board of Appeals – No report
- Personnel Committee – No report
- Hwy 83 Task Force – Trustee Villavicencio said they hoped to be meeting soon.
- Emergency Government Committee – No report
- Lake Management Ad Hoc Committee – No report

**Review and consider Resolution creating the Chenequa Police Commission.**

Attorney Krutz said that the proposed ordinance codifies the action the Village Board took through resolution. He said the rules under Section 1.12 are what was adopted by the Police Commission. Attorney Krutz said that certain powers were excluded such as the right to fire or replace the Police Chief. Under Section 1.11 subsection 4 he said it is the responsibility of the Police Chief to cooperate with the Police Commission (subsection 2). Attorney Krutz also said the copy will be corrected to read 90 days both numerically and in writing, 30 days is too short and State Statutes require a term limit. Trustee Tyre questioned Section 4, asking if the Village Board could deal directly with the Chief of Police. Attorney Krutz said the Police Chief is hired by the Village Board, then works with the Police Commission. The ultimate authority is the Police Chief reporting to the Village Board. The Village Board selects the Police Commission and the Police Commission works for the Chief of Police. Attorney Krutz said the proposed ordinances excluded optional powers of the Police Commission under the Statutes. Trustee Tyre said he thought it would be wise to clarify the chain of command. Attorney Krutz said optional powers could be clarified in a memo. President Styza said this could be approved with the change

of 90 days on the first page and Attorney Krutz could layout powers at the next meeting. Trustee Wilkey said she would like to wait until the resolution was complete.

**Discussion regarding naming of Hwy 83.**

Trustee Wilkey handed out some suggestions she had received and asked for direction. Trustee Foote thought Village Residents should be able to vote on this issue. Administrator Douglas said he wanted to make the Board aware that any name change can cause problems with the dispatch center. When an emergency is called in, dispatch puts it into to see who should respond. He then gave an example of a 15 minute delay in response time due to a name change. Trustee Tyre said the software won't recognize the new name. Trustee Wilkey noted that Hill Road has had trouble with deliveries. President Styza asked if this issue should be addressed. Trustee Villavicencio said she was in favor of a nicer name than "State Road". President Styza said that the house numbers would have to be changed to contain a "W" indicating direction.

**Discussion regarding truck traffic.**

Resident Tom Rolfs addressed the Board telling them that Highway P has been designated as a major thoroughfare. He said that residents of Hwy C want the traffic to go to Hwy 16 and Hwy P. As more stop lights go up on Hwy P, more traffic is being created. State Statute 349-17 gives the authority to designated roads as "no truck traffic" to the Village. Mr. Rolfs said this would shut off the flow of traffic from Hwy P coming east. He said the Highway Commissioner would not oppose this restriction. Mr. Rolfs said although this is not a big problem now, why wait until it is? President Styza said if truck traffic is prohibited on Hwy C and Hwy K then it would all be coming to Hwy 83. Mr. Rolfs said the trucks would be unable to get to Hwy 83 if they were not allowed on Highways C or K. Trustee Foote pointed out that if the Village were to eliminate truck traffic on Highway C and Highway K it would actually result in a reduction of traffic on Hwy 83. Trustee Tyre asked how this language would accommodate construction trucks. Trustee Gehl said that traffic would be allowed if it was going to a specific address. Trustee Foote said if traffic were to be halted now it could cover any unforeseen future problems. President Styza pointed out that all of Hwy K and all of Hwy C are not in the Village. Attorney Krutz said this might require the cooperation with the Town of Merton. President Styza then addressed Board members, asking, "if we can do it, do we want to do it?" Trustee Tyre said there would have to be assurance that there are not active properties that require truck traffic to stay in business on those highways. President Styza said the consensus was to go to the Town of Merton with the request.

**Review and consider ordinance banning the use of phosphorous fertilizer.**

Trustee Gehl explained the ordinance, saying that most of the language in this ordinance was consistent with existing ordinances as well as proposed State Statutes. Trustee Tyre asked what the penalty would be. Administrator Douglas said the penalty would be based on a range. President Styza said this ordinance would not exclude the golf course. Trustee Gehl said the golf course would be allowed to use phosphorous fertilizers if they had a study completed once every three years proving they are phosphorous deficient. Motion (Gehl, Foote) to approve the ordinance banning the use of phosphorous fertilizers, Carried Unanimously.

**Report of Village Administrator.**

No report.

**Report of Village President.**

No report.

**Report of Village Attorney.**

No report.


**Agenda items to be considered for future meeting of the Village Board.**

None.

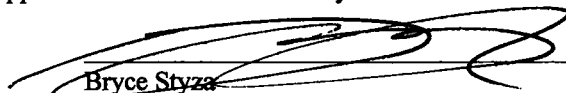
**Adjournment.**

President Styza adjourned the November meeting of the Village Board at 8:54 p.m.

Respectfully submitted by:

  
Bonita Zimdars  
Clerk/Treasurer

Approved and Ordered Posted by:

  
Bryce Styza  
Chenequa Village President