

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, MAY 14, 2007
Unofficial until approved by the Village Board
Approved as written (✓) or with corrections () on 6/12/2007

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, May 14, 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

Matthew Colby, Tom Kish, Sal Massa, Rich Lartz, Al Dloenburg

Public comment period.

Mr. Lartz, President of Nashotah, addressed the Board regarding the Lake Country Bible Church. He said the Church had come before the Nashotah Plan Commission with their preliminary plans and were received in a favorable manner. He said the reason the Church was requesting to detach from Chenequa and attach to Nashotah was so they would have access to the Delahart sewer system. Mr. Kish expressed his gratitude for their consideration of the petition.

Recognition by President Styza of the Village of Chenequa being named as a 2006 Tree City USA.

President Styza told the Village Board that once again, Chenequa had been named Tree City USA. He then asked Forester Kante how many consecutive years the village had been given this honor, and Forester Kante told him it had been every year since 1985.

Approve minutes of April 2, 2007 Board Meeting.

Motion (Villavicencio, Tyre) to approve the minutes of the April 2nd Village Board Meeting, *Carried Unanimously.*

Clerk/Treasurer

Present invoices for approval

Trustee Gehl questioned the line item for roof repair. Administrator/Police Chief Douglas told him these expenses were for repairs needed after damage to the roof of the Village Hall, and that these expenses would be forwarded to the insurance company.

Motion (Wilkey, Foote) to approve April 2007 bills, *Carried Unanimously.*

Report on investment activity

Investment activity was reviewed and no action was required.

Forester Kante Informational Talk.

See attached outline.

Consider opening an account with Foundations Bank.

Clerk Zimdars told Board members that the Village was first approached by Foundations bank about a year ago. They are the first independent bank to open in Waukesha County, and the bank organizers raised over 19 million to capitalize the bank – more than any other bank in the history of Wisconsin. She said the village currently keeps their funds invested with the State Local Government Investment Pool, which has always given a favorable rate of return and is currently paying 5.23% versus 1.85% paid by First Financial, the local bank. She went on to say that the LGIP is subject to certain risks, specifically, offering no FDIC insurance, in fact, no insurance of any kind. Foundations bank is willing to pay an interest rate that exceeds that of the LGIP by 1/8 of a percent, as long as a minimum balance of \$250,000 is maintained. Additionally, and perhaps more importantly, all funds at Foundation Bank are fully insured. It was then the general consensus of the Village Board that other options should be looked at, specifically, contacting Waukesha State Bank and Town Bank to see what they could offer.

Final – Review and consider plans submitted by Robert and Sarah Schmidt for renovation of an existing boathouse for their property located at 6113 N Hwy 83.

President Styza told Board members the Plan Commission had met earlier in the night and given their recommendation for approval of these plans.

Motion (Foote, Wilkey) to approve final plans as submitted by Robert and Sarah Schmidt for renovation of an existing boathouse, *Carried Unanimously*.

Final – Review and consider plans submitted by John and Carole Nagy for an addition to their residence located at 31076 W. Thompson Lane.

President Styza explained that the Nagys were building a garage and that the Plan Commission had given unanimous approval with the stipulation that the garage be moved back.

Motion (Tyre, Villavicencio) to approve final plans as submitted by John and Carole Nagy for an addition provided that the garage is moved back a minimum of ten feet, *Carried Unanimously*.

Preliminary – Review and consider plans submitted by Justin Huscher for first floor, second floor, and attic additions and remodeling to existing dwelling located at 4952 Maple Lane.

President Styza told Board members this was being submitted for preliminary approval and there was a picture before them that showed the projected outcome of the project. He went on to say that the Plan Commission had given their approval, but requested the owners to go back and do soil and water testing because the basement is below the lake level, and only 29 feet back from the lake. Trustee Gehl said that based on the plans, they discuss removal of trees and he assumed they would be in the 75' setback. Administrator/Police Chief Douglas said tree removal was not discussed, and they would be doing further screening to protect the property to the north. Trustee Gehl said they already have 30' in front of the house. He also said that since the code had been re-written it allows for expansion but not for tree removal in the 75' setback.

Motion (Foote, Gehl) to approve preliminary plans submitted by Justin Huscher for first floor, second floor, and attic additions and remodeling subject to further testing of the soil and water levels, and subject to clarification of trees within 75 feet, *Carried Unanimously*.

Consider appointments to the Public Safety Committee, Operations Committee, Board of Appeals, LACS Commission, Board of Review, Plan Commission, Open Space, Hwy 83 Task Force, Personnel Committee, Internet Ad-Hoc Committee, Lake Country Fire Board, and all other appointed positions.

President Styza reviewed the changes that would be made to the different committees: Susan Wilkey and Mike Pranke would be added to the Plan Commission; the reappointment of Fire Board representative Rob Manegold for another term; Lake Country Fire Commissioner Mike Spence was reappointed to another term; Open Space would be Scott Harkness and William Biersach; for the Board of Appeals Tom Dalum would take the place of Wayne Hader who has moved out of the village and would be a 3 year term; Mike Spence would move up to 1st alternate for Board of Appeals; the Operations Committee would be adding Jack MacDonough and Chris Elser.

Motion (Tyre, Villavicencio) all of the following nominations be approved:

Public Safety: Gordon Gunnlaugsson, Chairperson, Richard Berk, Kathy Seidel, Morton R. Spence, Jr., Bryce P. Styza, Russ Witt, J. MacDonough
Board of Appeals: James Huber, Chairperson, Carol O. Manegold, Tom Dalum, John H. Hendee, Jr., Curt Culver, Morton Spence Jr., 1st alternate.
Operations Committee: Jo Ann Villavicencio, Chairperson, Robert Bellin, Jack MacDonough, James P. Huber, Chris Elser, Frederick R. Luedke, Brian L. Nahey, Linda Surlles
Board of Review: Bryce Styza, Jo Ann F. Villavicencio, Dr. Timothy Tyre, Village Clerk, Alternates: Trustees Seidel, Gehl, Foote, Wilkey
Plan Commission: Bryce Styza, Chairperson, Robert Foote, Jr., Peter Zlotocha, Robert Bellin, Tom Rolfs, Linda Surlles, Mike Pranke and Susan Wilkey as an alternate.
Board of Election Inspectors: Leslie Barkow, Becky Brumder, Sue Culver, Alan Enters, Mary Alice Eschweiler, Grace Gunnlaugsson, Peggy Helz, Jean Lindemann, Barbara Mayo, Fred Mayo, Julie Meier, Rhonda Reeser, Sandy Rose, William Rose, Nancy Seaman, Linda Surlles, Anne Styza, Marilyn Tyre, Louise Van Antwerp, Nevin Van Antwerpen, Susan Wilkey, Bette Williams, James Williams, Susan Zlotocha
Open Space Committee: William Biersach, Scott Harkness
Hwy 83 Task Force: Jo Ann Villavicencio, Chairperson, Robert Bellin, John Hendee, Jr., Robert Manegold, Jr., Susan Wilkey, Alternates: Ann Seidel, James Ratzel
Personnel Committee: Frederick Luedke, Chairperson, Bronson Haase, Holly Jensen
Lake Country Fire Board: Robert Manegold (Chenequa), Theresa Urbanek (Nashotah), Russ Witt (Chenequa), Rod Stotts (Nashotah), Tom Oswald (Chenequa)
Lake Country Fire Commission: Richard Schafer (Nashotah), Morton Spence, Jr. (Chenequa), Jack Neal (Nashotah), Dr. Timothy Tyre (Chenequa),
Lakes Management: JoAnn Villavicencio, Chairperson, President Styza, Dr. Timothy Tyre Jan Coakley, Linda Surlles, Rick Luedtke, Ann Rohlen, Becky Brumder
Carried Unanimously.

Committee Reports

Public Safety – no report.
Operations – no report.
Plan Commission – Permit review form is now a 3-step process.
Open Space – no report.
Board of Appeals – no report.
Personnel Committee – meeting held last week. Met with PD union rep, and starting to lay the foundation for next year's salaries and benefits.
Hwy 83 Task Force – Administrator/Police Chief Douglas reported that other options were laid out - if we leave the trees, guardrails would have to be put up. He said the new guardrail has a wooden front and blends in with the countryside. He also said the village wouldn't have to remove as many trees if the speed limit would be lowered. Trustee Wilkey then asked what the reason was for the pink sticks along Hwy 83 on the south side of the village. Administrator/Police Chief Douglas said he thought the DOT was trying to get rid of the big curve and also allow for an additional turning lane for the new school.
Emergency Government Committee – no report.
Lake Management Ad Hoc Committee – waiting for report.

The Board may consider entering into closed session under Wisconsin State Statute 19.85(1) (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted to by the body with respect to litigation in which it is or is likely to become involved as it relates to the detachment request from Lake Country Bible Church. Participating in the closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk.

Attorney Krutz recommended not going into closed session. He then explained, in order to detach, the property owners seeking to detach must submit a Petition for Detachment under Wisconsin Statutes Section 66.0227 and that Petition was received by the Village on April 16th.

He said this Petition had also been filed with the Village Nashotah. Attorney Krutz stated that the Petition had been properly filed under Section 66.0227. He said that the Village now had several options. First, within 60 days of receipt of the Petition, the Village could pass an ordinance for the Village to accept the terms of the detachment. In this case, since the Petition was received April 16th, the Village would have until June 15 to pass such an ordinance. Second, if the Village Board did nothing, then the detachment would be deemed to be rejected. Another option would be for the Village to submit the question of whether to allow the detachment or not to Village residents via a referendum. Attorney Krutz explained that this option could occur if the Village Board did not pass an Ordinance and the property owners filed a new petition asking for a referendum. That Petition would need to be signed by 5% of the Village's registered voters who voted in the last gubernatorial election. President Styza explained that the outcome the owner was looking for was to access the Dela-Hart sewer system and develop under Nashotah's guidelines. Trustee Foote said the property is now subject to Chenequa zoning and asked whether this would remain under Chenequa's zoning if the owner decided to sell the property some time in the future. He then asked if the property could be deed restricted. Trustee Seidel said only the property owner can place deed restrictions on property they own. Attorney Krutz noted that the statute provides for a cooperative plan in which a comprehensive zoning plan could be worked out with the Village of Nashotah. Trustee Seidel said she felt the Village should not allow the detachment. Trustee Tyre asked what the legal obligations would be for the Village if there was a consensus to detach. Attorney Krutz said the Village would lose their right to zone the property but would no longer have the responsibility to provide Village services for the property. Trustee Foote expressed concern with what could happen years from now, saying preservation of the environment should be the primary interest. Trustee Tyre then questioned the representatives from the Church, asking if they felt Chenequa's restrictions were too tight. Mr. Kish said they were burdened by lack of sewer in Chenequa. Mr. Massa said they did not have a problem handling all areas of concern to the Village and that the big issue was the sewer. Trustee Wilkey asked if sewer could be negotiated if the property were to remain in Chenequa. President Styza stated that as a builder he has accessed sewer across political boundaries. Attorney Krutz said there would need to be cooperation from both Villages in order to have a cooperative plan and that State Statute 66.0307 gives the details as to how the plan would be prepared. President Styza asked Board members if there was a consensus to move forward. Trustee Gehl said he would like to see deed restrictions placed on the property. Trustee Seidel said she was concerned with the effect on ground water with all the building and development in the area. Trustee Villavicencio asked what the procedure was for tapping into another district's sewer system. President Styza said everyone's approval would be needed – the two villages as well as Dela-Hart. Mr. Massa then asked why the Village was so against detachment. Trustee Seidel said the Board has a responsibility to the residents of Chenequa and she did not believe the residents favor detachment. Attorney Krutz said between now and June 15th is the time for deciding on whether to pass an ordinance. Trustee Wilkey said they should try to look into sewer access. President Styza reviewed the position of the various members and said that it did not look like the Village would agree to the detachment. Attorney Krutz said if the Village was not willing to detach then there would be no cooperative plan. He said that in order to pass the ordinance, 6 of 7 board members had to approve the detachment.

The Board may consider entering into closed session under Wisconsin State Statute 19.85(1) (e) 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; as it relates to the sale of Village owned property. Participating in the closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk.

President Styza said the dump site had been cleaned up and the Village was now ready to sell the property. He said that a letter was sent to every resident of the Village making them aware of the sale. An offer was received from Mr. Ted Rolfs on behalf of Tall Pines Conservancy offering 1/2 of the appraised value. Attorney Krutz said the submitted written document which was received was unsigned. He said the offer requires the Village to contribute 50% of the proceeds for the sale to Tall Pines. He said the offer was also contingent on the buyer's receipt of grant monies from the State DNR Stewardship Fund. Attorney Krutz said that if the offer were to be accepted, the

property could be taken off the market for twelve months while the Village waits to see if the grant is approved. President Styza said that if the Board would agree it would have to be open space. Trustee Foote said he didn't feel good about giving away the resident's money. Trustee Seidel said that the Open Space plan was approved, but never adopted. Trustee Wilkey asked if any other offers had been received. Trustee Gehl asked how much the Village had in costs to clean up the dump site. Administrator/Police Chief Douglas told him it was approximately \$240,000 - \$260,000, and Trustee Gehl pointed out that with an offer of \$450,000, the costs would be recovered.

Review and consider recommendation for the SEWRPC 20.35 Regional Transportation System Plan.

President Styza said the Plan Commission had looked at this earlier and didn't want to make a recommendation. Instead they wanted a SEWRPC representative to come to the Village and make a presentation explaining what was being planned.

Report of Village Administrator

Administrator/Police Chief Douglas reported that he had received a notice from AT&T. They are offering the new U-Verse cable, phone, and cable TV service through their phone lines. He said he called to see where the service is going to be available and was informed Hwy K west from hwy 83 would be first to be implemented. Attorney Krutz said anywhere you see a phone box, next to that you'd see a box where new connectors go, and they would hook up residents to that box. Trustee Foote said Netwurx is working quite well, but not all people want it.

Report of Village President

No report.

Report of Village Attorney.

Attorney Krutz advised the Board that the auditors had worked out a management representative letter that could be signed.


Any new Business.

Trustee Foote said he was not happy with the Village's current burning policy. He said he didn't like smoke going into neighbors' houses. He also said there should be a procedure for people to burn refuses without smoke going into a neighbor's property. Trustee Wilkey asked what could be done, and Administrator/Police Chief Douglas said as the ordinance is currently written, it is very vague. President Styza suggested restricting burning to months when the windows are closed.

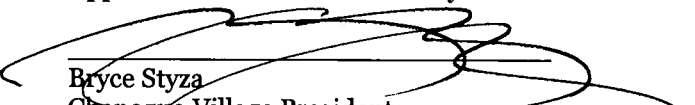
Adjournment.

Motion (Tyre, Villavicencio) to adjourn the May meeting of the Village Board at 9:22 p.m.

Respectfully submitted by:


Bonita Zimdars
Clerk/Treasurer

Approved and Ordered Posted by:


Bryce Styza
Chenequa Village President

Outline of Diseases to Village Board

Oak Wilt Disease

Fatal disease

Black/ Red Oaks more susceptible than White/Bur oaks

Cause

Fungus

Spread

#1 cause of spread from diseased to healthy tree via roots

#2 cause of spread by insects spreading the spores.

Treatment

Isolate the diseased from healthy trees.

Cut the roots between healthy and diseased trees.

Remove infected wood

Chemical fungicides are available but have limited applications.

Group of Oak Wilt Pockets Discovered last summer.

Several areas found- enough trees to attract bid from logger to remove diseased trees. Now the logging option has several problems.

Emerald Ash Borer

Non native beetle which infect ash trees. Untreated will cause death of tree.

NOT Found in Wisconsin yet, although it is probable.

Currently the state and Federal agencies are monitoring ash Detection Trees.

WI DNR, UW-Extension, WI-DATCP developed an comprehensive plan for each community if a beetle infestation is found. A copy is on file.