

## Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING  
MINUTES OF MONDAY, OCTOBER 8, 2007  
Unofficial until approved by the Village Board  
Approved as written ( ) or with corrections (X) on 11-12-2007

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, October 8, 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 – absent  
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  
Ms. Zimdars / Clerk-Treasurer – present

### Attendance

Karl D. Pierce, Project Manager Wisconsin D.O.T; Brian Roper, D.O.T.

### Public Comment Period

Resident Tom Rolfs spoke, saying he would like to encourage a lawsuit to be filed regarding permits on shallow ~~water~~<sup>aquifer</sup>. He also said he wanted to follow up on Hwy C, saying it is possible to get trucks stopped going East on Hwy K.

### Review and consider recommendation by Hwy 83 Task Force Committee.

The two representatives from the Wisconsin D.O.T., Karl Pierce and Brian Roper, introduced themselves to the Village Board. They expressed their thanks to the Hwy 83 Task Force for continuing to work with the D.O.T. They said they are actively investigating improving the three intersections with improvements to be made as early as next year. The remainder of the considerations will be re-visited in what needs to be done beyond the intersections. They said they were trying to show a good-faith effort and trying to keep an open mind. President Styza asked if they were the individuals who would be reviewing the speed limit. Mr. Roper said that would be the operations department's job. Trustee Villavicencio told Board members the minutes from the latest Hwy 83 Task Force meeting were included in their packets. She said that up until about a year ago the various intersections had been discussed, and the important thing that happened in the last year was the D.O.T. wanted to add a 10 foot clear zone, which would require removing many trees. Trustee Villavicencio said the Task Force felt the clear zones would ruin the rural feel of the village. She said that two motions had been presented by the Task Force and the motion that carried stated the existing roadway should be resurfaced with existing 11 foot lanes and existing 2 foot shoulders; and to also fix the 3 intersections. She said the current guardrail would be replaced with timber-faced guardrail, and the current retaining walls would be replaced with decorative stone-like face retaining walls. Villavicencio said the Task Force also requested the speed limit be reduced to 30 m.p.h., and the Task Force rejected the 10 foot clear zone and removal of trees and the additional guardrail.

Motion (Seidel, Foote) to accept the recommendation of the Hwy 83 Task Force, Carried Unanimously.

### Approve minutes of the September 10th, 2007 Board Meeting.

Motion (Villavicencio, Gehl) to approve the minutes of the September 10<sup>th</sup> Village Board Meeting, Carried Unanimously.

### Clerk/Treasurer

**Present invoices for approval**

Trustee Gehl questioned the charges from AT&T and also questioned the bill to Stephen Fossler Corporation.

Motion (Foote, Villavicencio) to approve the September bills, *Carried Unanimously*.

**Report on investment activity**

Investment activity was reviewed and no action was required.

**Review of RFPs received for banking services**

Clerk Zimdars reported that a total of 4 proposals for Banking Services had been received, and because each proposal was quite extensive, a recommendation would be given at the November Board meeting to allow plenty of time for the Village Attorney to review the proposals.

**Year-to-date Budget Summary**

Administrator Douglas explained page 1 of revenues. He said that taxes of 1,596,998.70 with 2% shared revenue will change. He said the Village was only allowed to increase the budget by \$31,000 (2%). In addition, the State is withdrawing \$10,000 in Street Aids. A total of \$5,000 was taken from the Police Department Operating Budget; and fines were increased from \$28,000 to \$32,500. Building Permits were conservative at \$23,500 for 2007, but will be at \$50,000 for 2008 - \$30,000 more projected on page 1 over last year. Revenues total \$1,933,213.67. Deer management is staying the same and \$6,000 is the same for assessment services. Legal fees are projected to be \$36,000. Administrator expenses cover the annual employee recognition party and present employees as well as retirees are invited. Administrator Douglas said the Lake Country Fire Department is asking for a 5% increase over their 2007 budget. He also said the building inspection fee account went from \$14,000 to \$20,000. For Emergency Medical there is a 2 year agreement with Hartland. Administrator Douglas pointed out that the money that was collected by Hartland this year will be applied to 2008. The Police Department budget shows salaries reduced by \$5000, and the operations budget goes up by \$2,000 for equipment maintenance. Capital Requests- Cameras are requested from the Chenequa Foundation which may protect the village and officers from lawsuits. State Patrol ordered 60. Garbage is showing a substantial increase. Debt service - Highway/Forestry truck and dump loan rehabilitation are new funding obligations in 2008. Hwy/Forestry salaries are not determined yet. President Styza said to meet the budget the Village could either tap their reserves or raise taxes. Trustee Foote said the reserves should be used to pay down principal. Administrator Douglas said money can always be pulled in from reserves through Board Action, if necessary. Trustee Seidel said she is opposed to a tax increase. She noted that the Police Department would be getting a 3% increase but we only get 2%. Trustee Foote said the proceeds from the land sale should go to reserves, and there were no problems taking money from reserves. He also said that not more than 2% should be asked for from the budget. Take from reserves as necessary designated to pay down debt principal.

**Establish Public Hearing date and time for consideration and adoption of the 2008 Village of Chenequa budget.**

Motion (Villavicencio, Seidel) to set the date for a public hearing for the purpose of reviewing the 2008 budget for the Village of Chenequa to Monday, November 8<sup>th</sup> at 7:30, *Motion Carried*.

**Preliminary - Review and consider plans submitted by Mr. Benidt for a 16' x 18' shed off the lot line at his property located at 6102 Hwy 83.**

**Final - Review and consider plans submitted by Steve Girard for an addition to his residence located at 4800 Pine Crest Drive.**

**Final - Review and consider plans submitted by Terry Barton for a horse barn to be constructed on her property located at 6379 N. Oakland Hills Road.**

**Final - Review and consider revised plans submitted by Elizabeth Quadracci for a sports court and attached 30 x 20 storage shed attached to the sports court on her property located at 6067 N Hwy 83.**

**Final - Review and consider plans submitted by R.C. and Mary Schmidt for an addition to the north side of an existing sun room at their property located at 5611 N. Highway 83.**

Motion (Tyre, Villavicencio) to approve each of the above building projects as final, including the preliminary submittals by Mr. Benidt, *Carried Unanimously*.

**Preliminary – Review and consider plans submitted by Mike and Debbie Pranke for an addition of a 3 car garage at their property located at 32179 West Oakland Road.**

Motion (Villavicencio, Foote) to give preliminary approval to Mike and Debbie Pranke for an addition of a garage, *Carried Unanimously*.

**Preliminary review of annexation request submitted by Timothy L. Hobert and Jill Tracy for their property at W31246410 Chenequa Lane.**

President Styza explained that the Plan Commission took no action because they wanted more information since the house and lot would be non-conforming. Mr. Hobert was asked to come back with a survey.

**Consider funding and bids for new Highway/Forestry vehicle.**

President Styza told Board members this funding would not affect the 2008 budget. Administrator/Police Chief Douglas said a 1996 dump truck was sold for \$14,000 in 2007. He also said there was \$14,000 in contingency, which would leave \$28,000 to fund. He said this vehicle could be paid for without taking any money from reserves because the Village was expecting to come in under budget for the year 2007. The various proposals for the truck were then explained, saying they would like to take advantage of the price Madison Truck was willing to sell the truck for. Trustee Foote noted the truck had a shorter wheel base.

Administrator/Police Chief Douglas said one time last winter the Highway Forestry department was down to only one vehicle for plowing snow, and that the driveways are particularly hard on the plows.

Motion (Foote, Villavicencio) to approve the purchase of an additional Highway/Forestry vehicle, not to exceed a cost of \$60,000, *Carried Unanimously*.

**Discussion of new ordinance banning phosphorus fertilizers.**

Trustee Gehl told Board members that there were items in their packets regarding a ban on phosphorus fertilizers. He said they were all tailored toward lawn applications, excluding farming, gardening, and new lawns (in their 1<sup>st</sup> year of growth), and all were similar in wording. The ordinances are dedicated to saving waterways. There are few lawns in Wisconsin with low phosphorus counts. If a homeowner gets testing done proving a low phosphorus count on their property then they are eligible for a 3 year exemption. Most lawn services are now phosphorus-free. Trustee Tyre asked how a violation would be measured, how it would be enforced, what the consequences would be, and how violators would be caught. President Styza said the information would be posted on the website, and the lawn service providers would be aware of the ordinance right away. Attorney Krutz said he would draft the ordinance after the Board gave him direction choosing the enforcement mechanism and identifying the penalty or fine for a 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> violation. Trustee Gehl said ordinance is more educational than enforcement. Trustee Tyre said the ordinance samples provided a good example of how problems are properly worked.

**Review and consider recommendation by Hwy 83 Task Force Committee.**

President Styza said it was suggested to reinstitute the idea of a bypass, but the Village no longer had extra-territorial rights. He said they fought hard for the bypass, and it was worth making the request. He then suggested sending a letter requesting that the de-mapped bypass be remapped. Administrator/Police Chief Douglas clarified that the letter was to go to the County, State and to SEWRPC. Trustee Gehl then questioned if there had been any discussion to put in underground wiring, noting if the utilities were to go underground, then a large part of the 10 foot clear zone would be eliminated. Trustee Villavicencio explained that the utilities would go beyond the ten foot clear zone, and said she still felt the D.O.T. wanted a 10 foot clear zone, and did not want to have a reduction in the speed limit.

**Discussion regarding naming of Hwy 83.**

President Styza asked to have this item held over until Trustee Wilkey could be in attendance.

**Consider creation of the Chenequa Police Commission per Wisconsin State Statute 62.13.**

Attorney Krutz told Village Board members that the Police Association became a union. He said the Commission would discuss ways to have more flexibility to have disciplinary items dealt with in a more timely manner. He said if this Commission were to be set up then it would allow for quicker action. Attorney Krutz said one power given which is standard is that the Commission hires the Police Chief. He then suggested that would not be something the Chenequa Police Commission would have control over. President Styza said a police officer could not be fired or reprimanded without having a Police Commission.

Motion (Gehl, Villavicencio) to create the Chenequa Police Commission excluding the power to hire the Police Chief which would be left to the Personnel Committee, *Carried Unanimously.*

**If creation of Police Commission is approved, consider the following Village President appointments to the Chenequa Police Commission: Morton Spence Jr.; Gordon Gunnlaugsson; Robert Foote Jr.; Russ Witt; Tom Dalum.**

Trustee Tyre said a substantial amount of his practice has to do with law enforcement, and that people on that Commission must have integrity and understand police.

Motion (Gehl, Tyre) to approve appointees Morton Spence Jr.; Gordon Gunnlaugsson; Robert Foot Jr.; Russ Witt; and Tom Dalum to the Chenequa Police Commission with a three year term, *Carried Unanimously.*

**Establish Village of Chenequa Trick or Treat Hours. (Oct. 31<sup>st</sup> 4-7 p.m.)**

Motion (Foote, Seidel) to approve trick or treat hours for the Village of Chenequa as October 31<sup>st</sup> from 4-7 pm, *Carried Unanimously.*

**Committee Reports**

**Public Safety** – Met recently.

**Operations** – will be meeting next week.

**Plan Commission** – Met earlier this evening.

**Open Space** – Has not met.

**Board of Appeals** – Has not met.

**Personnel Committee** – Administrator Douglas said the committee has met several times and will have a submittal ready for the November Board Meeting.

**Hwy 83 Task Force** – Recommendations heard earlier.

**Emergency Government Committee** – Did not meet.

**Lake Management Ad-Hoc Committee** – Did not meet.

**Report of Village Administrator**

Administrator/Police Chief Douglas said the Public Safety Committee had reviewed the burning ordinance. He said there was also a revision to the parking ordinance, and asked if this information should be wrapped into the public hearing notice in November, along with the Phosphorus ban. He said there would be newsletter sent out in advance of that meeting.

Attorney Krutz said that couldn't be done for the November meeting.

**Report of Village President.**

No report.

**Report of Village Attorney.**

No report.

**Consider Village's bringing of a claim and likely litigation involving the DNR rules and regulations concerning high capacity wells.**

Attorney Krutz said he had extensive discussions with Dan Bach and Frank Davenport who were representing Lake Beulah. He said Mr. Rolfs is correct, and they have brought a claim against the

DNR saying the DNR violated the trust doctrine by not evaluating high capacity wells. He said this would be a way to force the DNR to react, asking the DNR to change their rules. Attorney Krutz then advised the Board to go into closed session. President Styza said first, do we have the money, and second if somebody is already doing it perhaps we should wait to see what happens.

**Consider convening in closed session pursuant to §19.85(1)(g) to confer with counsel concerning strategy with respect to litigation in which the Village is likely to become involved concerning DNR rules and regulations for high capacity wells.**

Motion (Foote, Seidel) to move into closed session at 9:21 p.m. per State Statute 19.85 (1) (g), Gehl (aye); Seidel (aye); Villavicencio (aye); Foote (aye); Styza (aye); Tyre (aye), Carried Unanimously.

Motion (Villavicencio, Tyre) to reconvene into open session at 9:42 p.m., Carried Unanimously.

**Consider any action resulting from closed session.**

Attorney Krutz said he would see if he could get the Attorneys to address the Board.

**Any new Business.**


Trustee Seidel said she was concerned with the liability associated with the Hoppe's sports court. Administrator/Police Chief Douglas said they have large mesh netting in place. President Styza said they are planting a lot of trees.

Next Trustee Seidel asked if there was any news on Hwy K or Hwy C, and if there had been any response to Tom Rolfs' concerns. President Styza said he would be willing to hear the problem if a solution was also presented.

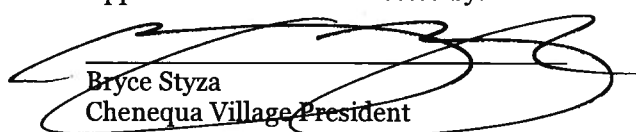
**Adjournment.**

Motion (Tyre, Foote) to adjourn the October meeting of the Village Board at 9:45 p.m., Carried Unanimously.

Respectfully submitted by:

  
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Bonita Zimdars  
Clerk/Treasurer

Approved and Ordered Posted by:

  
\_\_\_\_\_  
Bryce Styza  
Chenequa Village President