

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, NOVEMBER 12, 2007
Unofficial until approved by the Village Board
Approved as written (✓) or with corrections () on 12-10-2007

A public hearing to hear comments regarding the proposed 2008 Village of Chenequa budget was called to order at 7:30 p.m. Legal requirement for notification of the news media had been met.

Public Attendance: None.

President Styza said he would keep the public hearing open until further notice and asked to proceed with the meeting of the Village Board.

Motion (Seidel, Villavicencio) to close the Public Hearing at 7:45 p.m., *Carried Unanimously.*

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, November 12, 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 – present
Mr. Gehl / Trustee – present
Mr. Foote / Trustee – present
Ms. Villavicencio / Trustee – present
Dr. Tyre / Trustee – absent
Attorney David Krutz / Village Attorney – present
Mr. Douglas / Administrator -Police Chief – present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Karl Pierce, Wisconsin D.O.T.; Rod Stotts, Lake Country Fire Department

Public comment period.

None.

Consider resolution for 2008 budget adoption and tax levy.

President Styza explained that since the last meeting of the Village Board the Governor had signed a bill allowing greater than a 2% increase in the levy. He noted that Board member packets contained a spreadsheet of scenarios assuming varying tax percentage increases. Administrator Douglas said this is a very tight 2008 budget with revenues being brought up to the high end and expenditures being held the same as in previous years. He said he would be surprised if the Village would come in under budget in 2008. He told Board members that an additional \$10,951.95 in street aids would be added to the contingency due to a revision of the total street aids figure by the State. He also said that if the Village property currently for sale does not sell, the Village will have to continue to pay the debt carried with the property. President Styza said in late 2008 or 2009 the Village re-assessment will need to take place, and there are no funds in the budget for the assessment. He said the Village could possibly pay half of the re-assessment bill in 2008 and the other half in 2009, with a total bill of \$20,000 for the re-assessment. President Styza noted that the lot is for sale, but the real estate market is down; so another alternative might be to borrow funds if needed. Trustee Foote suggested the extra \$10,000+ received for street aids could be put toward the reassessment bill. Trustee Villavicencio noted the Village has a balloon payment due in 2008. She said if the property is not sold in 2 years and the Village is already at the low end of a lot of budget line items, the Village may be in a difficult position if the increase this year is kept at 2%. She said she would support increasing the

levy somewhat above 2%; however she questioned what the proper amount of the levy would be. President Styza said the reserves would not be enough to pay off the debt. Trustee Foote said the debt increase was related to the land development and Highway truck purchase. Administrator Douglas said that one of the fire trucks and the Village Hall remodeling were included in the balloon payment due in 2008. Trustee Wilkey asked when the payment was due, and Administrator Douglas told her it would be late in 2008. Trustee Gehl said that he would like to see an evaluation of the Village's overall programs and services because changes may be needed, since money does not go as far as it use to. He said he would rather reevaluate the priorities than increase the rate. Trustee Foote said this is currently an inflationary period without any growth. Trustee Gehl said he did not think an \$8000 increase resulting from choosing to raise the levy by 2.5% would be significant.

Motion (Foote, Gehl) to approve the resolution for 2008 budget adoption and tax levy to be kept to 2%, Carried Unanimously.

Consider approving request for additional funding for LCFD as a result of the amended LCFD 2007 budget.

Rod Stotts of the Lake County Fire Department (LCFD) Board told Village Board members that department maintenance expenditures were over budget due mainly to paying \$16,000 in repairs of the 1992 pumper, and the repairs cost a total of \$23,000 overall. He said it had also been a year of greatly unanticipated expenses, and went on to explain the budget overrun. Mr. Stotts told the Board that the LCFD would be looking for \$19,500 total to meet the 2007 budget with \$9,750 coming from each Village. He noted that the fire department had returned a total of \$73,000 to the Villages over the last few years.

Motion (Wilkey, Villavicencio) to approve the request for additional funding for the LCFD as a result of the amended LCFD 2007 budget, Carried Unanimously.

President Styza then asked Mr. Stotts to comment on the burning ordinance being proposed. Mr. Stotts said the fire board gave the Chief the authority to conduct burns – prairie burns or house demolition. He said the department uses a \$300,000 vehicle owned by both villages and there is not a lot of training value with a prairie burn; but taking down a house does have a lot of training value. Trustee Seidel said she was concerned because she sits on the Public Safety Committee and they had no input on the policy allowing the Chief to have the authority – she said there was no input from the Village Board. She said at the Public Safety meeting she and Gordie Gunnlaugson didn't like what they heard. President Styza said the appointed member to the board helped establish that policy. Trustee Gehl said his concern was that weather is critical in prairie burns; and if you have to make arrangements well in advance, your ability to make adjustments is limited. Trustee Foote said wind speed is a safety issue. Trustee Wilkey clarified that prairie burns have different rules than small brush fires. Trustee Foote said there should be a wind speed policy for prairie fires. Administrator Douglas said we need to do what is appropriate for this community. He said that Nashotah issues an annual permit, and in Chenequa there are more precise procedures in place.

Discussion/consider action regarding Highway 83 recommendations.

Trustee Villavicencio said she would need to take the latest recommendations back to the Task Force Committee. President Styza said he would not support a clear cut.

Discussion regarding potential claim against DNR concerning rules and regulations for high capacity wells.

Attorney Krutz introduced Dan Bach, an attorney representing the Lake Beulah Property Owners' Association. Attorney Bach told the trustees that he is a lawyer for the firm of Lawton & Cates, S.C., and that he and his colleagues were bringing a claim against the Wisconsin Department of Natural Resources (DNR). Attorney Bach said he has been hired by Lake Beulah property owners who want the well removed from the shore of the lake. He handed out copies of the notice of claim and a press release. He said the DNR has the authority to approve high capacity wells, but environmental concerns aren't being considered. The Wisconsin State Statutes include policy statements and one such statement is that the DNR has the obligation to protect navigatable waters and wetlands. Attorney Bach referenced the Public Trust Doctrine which he said provides

that the citizens own the waterways and that the State has an overriding authority to protect the waterways. Attorney Bach went on to explain the history of the issues relating to Lake Buelah. He told trustees that Phantom Lake and Eagle Lake have joined in the notice of claim. He said his clients are asking for an order from the court saying the DNR is obligated under state law to perform environmental assessments before giving their approval for high capacity wells. Attorney Krutz said he assumed the likely first step in the litigation would be to try to obtain a Temporary Restraining Order followed by a preliminary injunction. He said the last page of the claim shows the relief the claimants are requesting. President Styza asked if it would require someone to bond for damages. Attorney Krutz responded that typically a bond would be required if damages might occur as a result of the injunction. President Styza then questioned what Attorney Bach wanted from Chenequa. Attorney Bach told him he would be interested in Chenequa becoming a named petitioner in the suit. Trustee Gehl said he would be concerned with adding Chenequa to the claim, and that he thought there would be advantages to doing things on our own. Trustee Foote asked if the Governor has been involved at this point. Attorney Bach said that the Governor was made aware of this suit in 2003. Discussion ensued. No action was taken.

Review and consider adoption/approval of the Lake Country Municipal Court Budget for 2008.

Administrator Douglas said the court was in very good financial shape with a current fund balance of over \$500,000. He said they are also adding \$90,000 every year. President Styza said the Village had contributed money to get the court started and it ran a deficit for many years, but now the court runs very efficiently.

Motion (Villavicencio, Seidel) to approve the Lake Country Municipal Court Budget for 2008
Carried Unanimously.

Approve minutes of the October 8, 2007 Board Meeting.

Trustee Wilkey noted that the word aquifer was misspelled on page one of the minutes.

Motion (Foote, Villavicencio) approve minutes of the October 8, 2007 Board Meeting, with the correct spelling of aquifer, *Carried Unanimously.*

Clerk/Treasurer

Present invoices for approval.

Motion (Villavicencio, Gehl) to approve bills as presented, *Carried Unanimously.*

Report on investment activity.

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

Review of RFPs received for banking services.

Attorney Krutz stated that the Village received four responses to the Village's RFP: Town Bank, First Financial, Waukesha State Bank, and Foundation Bank. He said that the Village Clerk reviewed the proposals and recommended Town Bank. He said he reviewed the proposals to determine if there were any material differences or uncertainties within the proposals. He concurred with the Village Clerk's recommendation.

Motion (Wilkey, Seidel) to approve Town Bank as the bank for handling the Village's finances, *Carried Unanimously.*

Preliminary – Review and consider plans submitted by Mark and Julie Egan for a two-story addition and remodeling to existing dwelling for their property located at 32036 W. Treasure Island Drive.

President Styza explained the plans to Village Board members, saying the Plan Commission had met earlier and given their approval

Motion (Seidel, Villavicencio) to give preliminary approval to plans submitted by Mark and Julie Egan for a two-story addition and remodeling to existing dwelling for their property located at 32036 W. Treasure Island Drive, *Carried Unanimously.*

Final – 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, Seidel) to give final approval to Mike and Debbie Pranke for an addition of a 3 car garage at their property located at 32179 West Oakland Road, *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 this was a non-conforming house and a non-conforming lot. He said the Plan Commission is not recommending annexation.

Motion (Gehl, Seidel) to deny annexation request submitted by Timothy L. Hobert and Jill Tracy for their property at W31246410 Chenequa Lane, *Carried Unanimously.*

Committee Reports

Public Safety No report.

Operations No report.

Plan Commission Met today.

Open Space No report.

Board of Appeals No report.

Personnel Committee To be discussed in closed session later.

Hwy 83 Task Force Will have another meeting.

Emergency Government Committee No report.

Lake Management Ad Hoc Committee No report.

Police Commission No report.

Review and consider an official request to the Chenequa Foundation.

Administrator Douglas said he met with the Foundation and based his requests on the Public Safety and the Operations Committee requests. He said he reiterated the 2006 request which was the four-phase lake plan at a cost of \$23,375 – which could be separated over two years. He said a request was made for three in-squad digital video cameras for a total cost of \$22,571. Another request was made for a high definition digital camera for a cost of \$2,262.

Motion (Villavicencio, Wilkey) to officially request the Chenequa Foundation to provide the funding to purchase three digital video cameras for three of the Chenequa squads at a cost of \$22,751, a high definition digital camera at a cost of \$2,262, a four-phase lake plan at a cost of \$23,375, totaling \$48,208 *Carried Unanimously.*

Administrator Douglas told Board members he had spoken to the Operations Committee about the need for a 4-wheel drive back up vehicle which would run approximately \$85,000 plus attachments. The Foundation did not want to take on that amount, so this may be reconsidered in 2009.

Discussion regarding naming of Hwy 83.

Trustee Foote suggested a sub-committee be assigned to study the issue of renaming Hwy 83.

Discussion ensued. President Styza asked Susan Wilkey to chair the newly formed committee and asked her to also include residents that were not residents of Hwy 83 as members.

Discussion regarding truck traffic.

Administrator Douglas said that Tom Rolfs has requested that this item be held over to the December meeting of the Village Board.

Report of Village Administrator

No report.

Report of Village President

No report.

Report of Village Attorney

Review and consider ordinance banning the use of phosphorus fertilizer.

Review and consider parking ordinance.

Review and consider burning ordinance.

President Styza asked to have the proposed ordinances on phosphorus fertilizers and burning placed in the fall newsletter. Administrator Douglas explained that the parking ordinance currently on record is vague, and the County does not recognize the no parking policy. He said this is a chance to get a new ordinance through that addresses site distance vision. He said the ordinance is based on State Statute so it would not likely be refused. Motion (Seidel, Foote) to approve the proposed parking ordinance, *Carried Unanimously.*

The burning and phosphorous ordinances were held over. Trustee Villavicencio said she thought that 3B stating burning must be at minimum 50' from any structure or other combustible material should be changed to a distance of 100'. President Styza said 3A saying burn piles may be no more than 4'x4' should be changed to say 8'x8'. Trustee Foote asked if wind velocity should be mentioned, and Administrator Douglas pointed out that it was discussed under #1. Trustee Foote said he felt it should be left to the discretion of the police department. Trustee Wilkey questioned which airport takes the measurement for wind velocity, and Administrator Douglas told her it was done at the Waukesha County airport.

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

None.

Review and consider adoption/approval of the Lake Country Fire Department Budget for 2008.

Motion (Seidel, Gehl) to approve the Lake Country Fire Department Budget for 2008, *Carried Unanimously.*

The Chenequa Village Board may enter into closed session pursuant to WI State Statute 19.85(1) (c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for the purpose of discussing wage and benefit matters. Participating in the closed session will be the Village Board, Village Attorney and the Village Administrator.

Motion (Wilkey/Gehl) to move into closed session at 9:43 p.m.: Gehl, aye; Seidel, aye; Villavicencio, aye; Foote, aye; Styza, aye; Wilkey, aye, *Motion Carried.*

Reconvene into open session and consider any action resulting from closed session.

Motion (Foote, Seidel) to reconvene into open session at 10:01 p.m., *Carried Unanimously.*

Motion (Foote, Seidel) to approve recommendations from the Chenequa Personnel Committee, *Carried Unanimously.*

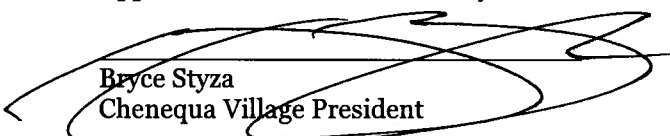
Adjournment.

Motion (Villavicencio, Seidel) to adjourn the November 12th meeting of the Village Board at 10:05 p.m., *Carried Unanimously.*

Respectfully submitted by:


Bonita Zimdars
Clerk/Treasurer

Approved and Ordered Posted by:


Bryce Styza
Chenequa Village President