

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, October 13, 2008
Unofficial until approved by the Village Board
Approved as written (✓) or with corrections () on 11-3-2008

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, October 13, 2008, at the Village Hall, 31275 W. Hwy K, Chenequa. Legal requirements for notification of the news media had been met. Following is the attendance list:

Mr. Styza / President – present
Mr. Foote, Ms. Villavicencio, Ms. Seidel, Ms. Wilkey, Dr. Tyre / Trustees – present
Mr. Gehl/ Trustee - absent
Attorney David Krutz / Village Attorney – present
Mr. Douglas / Administrator -Police Chief – present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Barbara Ewald, Emil Ewald, Jerome Sayles, Jeanne Safro, Jack Safro, Michael Browne, Mary Browne, Jack MacDonough, Curt Culver, Sue Culver

Public Comment Period

Emil Ewald addressed the board representing himself and neighbors asking the Village to pay for the resurfacing of Morris Drive. He said that the Village has received over \$100,000 per year over the last 28 years in street aids and that municipalities are expected to maintain the roads, cut the grass, and perform police patrol. Mr. Ewald said he spoke with both Mike Burns, the maintenance supervisor for southeast Wisconsin, and Jim Harris of the Department of Transportation located in Waukesha. He went on to say that Morris Drive is approximately .22 miles and the Village gets paid for a total of 1.19 miles; therefore, Morris Drive comprises approximately 20% of the roads the Village is being paid on by the State. President Styza said that the tax bill issued by the Village may lead property owners to the belief that there is money available but in reality the majority of tax dollars go to the schools, not the Village. Mr. Culver pointed out that the money received in highway aids was being used throughout the village. Mr. Sayles asked if the consideration of resurfacing Morris Drive would be part of the budget process.

Approve minutes of the September 8th, 2008 Board Meeting.

Motion (Villavicencio, Tyre) to approve the minutes of the September 8th, Village Board Meeting, Carried Unanimously.

Clerk/Treasurer

Present invoices for approval

Motion (Wilkey, Villavicencio) to approve the September 2008 bills, Carried Unanimously.

Report on investment activity

Investment activity was reviewed and no action was required.

Discussion and consideration of funding needed repairs to Morris Drive.

President Styza said this issue would be considered later in the meeting under the budget process.

Preliminary/Possible Final – Review and consider plans submitted by Michael and Debbie Wheeler for razing the existing house and garage and building both new at their property located at 6296 Brumder Road.

President Styza explained that plans previously submitted by the Wheelers did not meet height and side yard set-back requirements; but these revised plans now do meet those requirements. Earlier in the evening the Plan Commission approved these plans as final Motion (Tyre, Villavicencio) to approve as final, the plans submitted by Michael and Debbie Wheeler for razing the existing house and garage and building both new at their property located at 6296 Brumder Road, *Carried Unanimously*.

Review and consider plans submitted by Tom Rolfs for a proposed land division for properties owned at 4978 N. Maple Lane and 5014 N. Maple Lane.

President Styza explained these plans involved three lots. The lot owned by Rolfs was legal non-conforming, but Rolfs bought the Koeper property next door and took some footage from that lot to make two legal lake lots and one legal off lake lot.

Motion (Tyre, Villavicencio) to approve plans submitted by Tom Rolfs for a proposed land division for properties owned at 4978 N. Maple Lane and 5014 N. Maple Lane, *Carried Unanimously*.

Review and consider Certified Survey Map submitted by the Stockdale Family Trust and Casa Investment Company for all of lots 6,7,15,14,13,12,11 and the south 30 feet of lot 10; also part of platted R.O.W. vacated in resolution no XXXXX dated July XX, 2008; all in the plat of Vilter's Grand View Park, located in the NE ¼ and SE ¼ of the SW ¼ and NW ¼ and SW ¼ of the SE ¼, all in section 30, T.8N., R.18E., Town of Merton, Waukesha County, per Village Code 6.18 extraterritorial jurisdiction.

President Styza explained that this item was held over by the Plan Commission. Some neighbors affected by the CSM came to the Plan Commission meeting to object; and the owners were not at the meeting to answer.

Review preliminary budget for the Village of Chenequa for 2009.

Trustee Seidel said if the Board decides to pay for Morris Drive resurfacing, she would like to suggest revisiting the snow plow policy. She said she felt that things were getting out of hand, with more demands by residents each year, which means more expenses for the Village. Trustee Villavicencio said that originally the fee was \$1 then it was raised to \$10. She also stated that the Operations Committee recently suggested raising the fee to \$100 per household within the Village of Chenequa. She said it should be made clear which services will be offered with respect to snow plowing in contrast to those offered by private services.

Trustee Villavicencio asked what precedence had been set on Muscovy Road, which was chipped and sealed. President Styza said the DNR has strict rules on chip & seal and does not allow that type of work much anymore. He said Muscovy Road residents came to the Board after their road was chipped & sealed; and the Board decided the Muscovy Road residents could either pay for it themselves, or it could be paid for through a special assessment. Trustee Foote noted that State funds are to be used for maintenance. Trustee Seidel went back to the snowplow issue saying that details of what will be covered should be given to the residents. Trustee Villavicencio asked if the Board wanted to get into specifics. Attorney Krutz said the language should indicate the general time frame for plowing and stating plowing is a public service, "accessible within a reasonable period of time" and plowing was a "public service". Trustee Tyre said there are 21 driveways in the Village of such a pitch that clearing them becomes very difficult. Administrator/Police Chief Douglas said he told Mr. Wheeler, who has one of those driveways, that he could redesign his driveway at this time so the pitch would be compliant. Trustee Tyre said if Morris Drive is done, then other roads will follow suit. Attorney Kurtz suggested that the Village receive additional bids before setting the cost to resurface Morris Drive. President Styza said an engineer should be hired to look at what needs to be done.

The consensus of the Village Board was to have Morris Drive resurfaced subject to having both proper engineering and a price the Village can afford. Attorney Krutz stated that ultimately a public bidding process will be required to determine the cost for any work.

Administrator/Police Chief Douglas gave an overview of the budget for 2009. He directed attention to tab 2 of the budget book saying a prepayment for dispatch and radio upgrade was listed as an option, but since then he has found out it is *not* an option. Additionally, Waukesha County says that an amount of \$10,885 needs to be paid yet in 2009 – the final payment of the current radio system. Option 1 includes the radio but not Morris Drive. Option 2 includes Morris Drive, but not the radio. He said the first 2 pages of the budget listed revenues. He also said it would be much less upsetting for residents to see the levy increase by 4%, rather than an increase in the snow plow fee. Trustee Foote said if there is an increase in taxes, that increase will continue; but an increase in the snow plow fee could be something that is only done for a limited time.

Administrator/Chief Douglas went on to explain the other revenue figures and also mentioned that Lake County Fire Department will be looking to increase their budget by 6% for 2009.

Next he reviewed expenditures. He told Board members that by pre-paying for the radios, the Center would then issue new loans at 0% interest for the new infrastructure and radios coming in 2015.

Trustee Villavicencio suggested taking the \$83,000 from the proposed budget for the 4x4 tractor and using that amount to pay for Morris Drive at a cost of \$50,000; also purchasing the two plows for \$6,000, and the \$10,885 for the radio financing; leaving some funds remaining unused. She also asked if there would be advantages to paying the \$10,885 for radios over the next several years. Administrator/Police Chief Douglas told her it would keep a steady stream of payments in the budget. President Styza asked if the fire department would be getting new radios, and Administrator/Police Chief Douglas told him they would.

Trustee Foote suggested the following budget scenario: First, on the second page of revenues, replace the \$2,500 figure with a figure of \$25,000 for snow plows. He went on to say that nothing comes out of reserves, but there would be contingency. Trustee Foote suggested the repaving of Morris Drive would not go into the budget, and nothing comes out of reserves to meet expenses. If the snowplow fee is raised to \$100, then there will be an additional \$22,500 in revenue to option 1, so the contingency would be up to \$48,000. Trustee Foote said he is trying to end up close to \$50,000 in contingency. He suggested using the Option 2 revenue stream, but having \$48,000 of contingency. Trustee Foote thought Morris Drive could be done next year and taken out of reserves, if necessary.

Motion (Wilkey, Villavicencio) to rescind the motion from the September 8, 2008 meeting which was to use \$112,00 taken from reserves to purchase 2 snow plows, spend approximately \$20,000 on house repairs for the village owned property on Hwy 83, and to purchase the new Case tractor, Carried Unanimously.

Motion (Villavicencio, Foote) to use \$26,000 taken from reserves to purchase 2 snow plows and spend approximately \$20,000 on house repairs for the village owned property on Hwy 83, Carried Unanimously.

Consider changing the date of the November 2008 Village Board meeting from Monday, November 10th to Monday, November 3rd.

Administrator/Police Chief Douglas explained that he would like to attend a Police Chief's conference in San Diego which would interfere with the regularly scheduled Board meeting in November. Trustee Seidel and Trustee Wilkey said they would not be able to attend the meeting if it were to be moved to November 3rd.

Motion (Villavicencio, Tyre) to change the date of the November 2008 Village Board meeting from Monday, November 10th, to Monday, November 3rd, Carried Unanimously.

Establish Public Hearing date and time for consideration and adoption of the 2009 Village of Chenequa Budget.

Motion (Tyre, Villavicencio) to set the date and time for a public hearing on the 2009 Village of Chenequa budget to Monday, November 3rd, Carried Unanimously.

Initial review and consideration of FEMA model floodplain ordinance. Consider setting date and time for public hearing on adoption of floodplain ordinance.

Attorney Kurtz explained that a notice from the State of Wisconsin Department of Natural Resources had been received by the Village saying in order to be eligible to participate in the distribution of funds from the June floods, the Village would need to do two things:

- (1) Adopt a floodplain ordinance.
- (2) Hold a public hearing on the floodplain ordinance.

He said that by having this ordinance on record, the Village would be eligible to receive funds in the future if flooding occurred and damaged certain Village property. Attorney Krutz also said that if the ordinance were to be adopted, those building in a floodplain would be able to get insurance. He also said if the ordinance is not adopted, those building in a floodplain would most likely find they would be unable to obtain insurance. Trustee Wilkey asked what harm there would be in adopting the ordinance. Attorney Krutz told her adopting the floodplain ordinance would make the zoning ordinance more cumbersome. He also said the map provided by the state appeared to show the Village only had "flood fringe" areas. President Styza said a better map was needed, as well as a better inventory. Trustee Tyre suggested a better map – an original- could probably be obtained from FEMA using the map number. President Styza said the Board would review this issue again at the November meeting.

Review and consider application for State Trust Fund Loan for up to \$537,917.00, for the purpose of refinancing the building loan coming due December 1st.

President Styza explained the loan would be used to refinance a balloon payment coming due December 1st on a building loan. The loan being applied for would have an amortization period of 20 years, and the rate of interest is 4.75%. The preamble and resolutions were presented by President Styza and read to the meeting.

Motion (Wilkey, Villavicencio) to approve the application for the State Trust Fund Loan in the amount of \$537,917.00, roll call vote: Seidel (aye), Tyre (aye), Villavicencio (aye), Foote (aye), Styza (aye), Wilkey (aye), (Trustee Gehl was absent), *Motion Carried*

Establish Village of Chenequa Trick or Treat Hours (October 31st 4-7 p.m.)

Motion (Wilkey, Foote) to set the 2008 trick-or-treat hours for the Village of Chenequa for October 31st from 4:00 p.m. to 7:00 p.m., *Carried Unanimously.*

Lake Country Fire Dept. Expansion – merger talks update.

Trustee Wilkey reported that the committee will be meeting again this coming Thursday, October 16th. She also said a consultant is working with the group and it looks encouraging.

Review and consider Animal Service Agreement with Elmbrook Humane Society.

Administrator/ Police Chief Douglas said the service received from Elmbrook has been very good. Motion (Foote, Wilkey) to approve the 2009 Animal Service Agreement with Elmbrook Humane Society, *Carried Unanimously.*

Consider revised easement for AT&T on Village property located at 5595 N.Hwy 83.

Administrator/Police Chief Douglas noted that verbal approval of this easement was given at the previous meeting of the Village Board.

Motion (Wilkey, Tyre) to approve the revised easement for AT&T on Village property located at 5595 N. Hwy 83, *Carried Unanimously*

Committee Reports

- Public Safety* – No report.
- Operations* – No report.
- Plan Commission* – Met earlier
- Open Space* – No report
- Board of Appeals* – No report

Personnel Committee – Will discuss in closed session
Hwy 83 Task Force – No report.
Emergency Government Committee – No report
Lake Management Ad Hoc Committee – No report
Police Commission – No report

Report of Village Administrator.

No report.

Report of Village President.

No report.

Report of Village Attorney.

Attorney Krutz reported that both Inspector Tising and Administrator/Police Chief Douglas have given depositions in the Eschweiler case. The two Eschweilers will be petitioning the Court to have the Court divide the property.

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 (Tyre, Villavicencio) to move to closed session at 9:35 p.m.; by roll call vote: Seidel (aye) Tyre (aye), Villavicencio (aye), Foote (aye), Styza (aye), Wilkey (aye), Motion Carried.

Motion (Wilkey, Seidel) to move out of closed session at 9:52 p.m., Carried Unanimously.

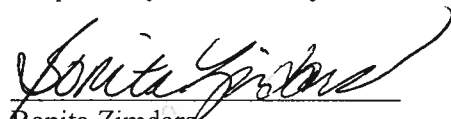
Agenda items to be considered for future meetings of the Village Board.

None.

Adjournment

Motion (Villavicencio, Foote) to adjourn at 9:55 p.m., Carried Unanimously.

Respectfully submitted by:



Bonita Zimdars
Clerk/Treasurer

Approved and Ordered Posted by:



Bryce Styza
Chenequa Village President