

CHENEQUA VILLAGE BOARD MEETING MINUTES OF
MONDAY, JUNE 8, 2009

Unofficial until approved by the Village Board
Approved as written (✓) or with corrections () on 7/13/2009

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

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

Public Attendance: Emil Ewald, Barbara Ewald, Steve Girard, Jeanne Safro, Peggy Helz, Tom Shannon, Jeff Krickhahn, Dick Hagemann, Curt Culver, Jack Edwards, Ed Treis, Ed McAleer, Russ Witt, Katy Luedke, F.R. Luedke, Rhonda Reeser, Tim Helz, Bernice Treis, James Ratzel, Mary Lee Ratzel, Kelly Smith

Consideration of establishing a Road Policy for the Village of Chenequa.

President Styza introduced the reason for the public hearing, which was to address the proposed Road Policy which would cover the public roads in the Village including Pine Meadows Lane, Muscovy Road, and Morris Drive, which were all dead-end roads. Mr. Tom Shannon, a lawyer representing the interests of residents on Pinecrest Drive (which runs adjacent to Morris Drive), addressed the Board referencing a letter sent to Board members dated May 28th. Among other things, he pointed out that the Village of Chenequa will receive public aid of over \$141,000 for such things as repairing roads; plowing; cutting grass; and police protection. Mr. Shannon stated that the residents of Morris Drive have paid over \$30,000 over the years in order to get the grass cut. Mr. Shannon said that the current bid for the Morris Drive repairs of approximately \$36,000 should be paid by the Village since the Village received over \$2.7 million in aid over the years. He also noted that the residents of Pinecrest use Morris Drive to access their private road. Mr. Shannon also said there is a State program that would reimburse the Village up to 50% for road repairs. Mr. Shannon concluded by saying that the owners on Pinecrest believe the Village should pay the full cost of the Morris Drive repairs, and are disappointed with the proposed policy.

Mr. Steve Girard said the cost of repaving Morris Drive represents 1.3% of the total amount the Village has received in aid over the last several years. Mr. Helz thought there should be reserves for repairs of public roads and he noted that it is unclear who owns Morris Drive since Nashotah maintains the west end of the road. Jeanne Safro said she believed the funds needed for repairs should be included in the budget for this year. Mr. Ewald said he checked with the Department of Transportation and understands that the Village decided to take a cost-approach so that the aid the Village received includes maintenance for the road. He was also disappointed that the Board is fighting the residents about this situation. He also voiced objection to the fact that in order to reduce the cost of the improvement, the scope of the repairs had been changed from the contractor's original bid. Mr. Culver said there was a per mile formula available for State aid, but the Village received funds based on a cost basis which meant the Village should have sufficient funds available to pay for the repairs. President Styza pointed out that over one-half of the annual Village budget, over \$1.0 million, is spent on Police protection and over \$250,000 plus capital costs is spent on snow plowing. He said that those residents that have private drives would object to having to subsidize repairs for these roads which only serve a few residents. Attorney Jim Ratzel said he was under the impression that the Village cannot adopt the policy as proposed because the statute allows special assessment for special benefits – but this is a public road which is a benefit to every resident. Mr. Treis said he brought this issue up with his attorney, and he also told him the Village cannot adopt the policy.

Public hearing was closed at 7:58 p.m.

Informal discussion regarding the consolidation of Lake Country Fire Department with the City of Delafield's Fire Department.

A presentation was made by Mr. Ed Henschel. It was noted that Chenequa residents: Susan Wilkey, Gordon Gunnlaugsson, and Bryce Styza were members of the expansion committee along with residents from the Village of Nashotah, and the City of Delafield. Mr. Henschel said he was a consultant of shared services and has made several presentations noting this is a growing trend. He said shared services makes operations more efficient. With the expansion, the service level would be enhanced and the Village would benefit by having 24 hour 7 days a week access and the Village would be part of a full-time fire department. Each community will continue to own their own equipment until replacement is needed. The expanded Lake Country Fire Department will own any equipment acquired after the expansion. The buildings will also be maintained by the individual communities. There are two factors that make consolidations successful: (1) improved service; and (2) maintain costs at the same level. Mr. Henschel said there would be two different funding formulas: one for operating, and one for capital-based on call volume, equalized value, and population. Chenequa will pay 11%, Delafield will pay 75%, and Nashotah will pay 14%. As equipment needs replacing, purchases will be made using a slightly different formula as for operating expenses. There will be 2 members from each municipality to oversee the Lake Country Fire Department. A majority vote is required to take action. The Fire Board will have no power to tax or borrow money. The 3 governing bodies will need to approve the budget annually. Mr. Henschel noted this expansion is characterized as a marriage with long term benefits. The agreement remains in effect for a minimum of 5 years; then if a municipality would like to get out of the agreement they must give a 2 year notice. The City of Delafield and Village of Nashotah have already approved the agreement. Trustee Haase asked if dispatch and response times would remain the same. Mr. Henschel said dispatch would stay the same but response times should improve. Trustee Seidel said she heard talk of staffing people at the Chenequa Village Hall. She was told that would be possible at a later date. Trustee Haase asked if common training would apply and Mr. Henschel told him it would- specifically mentioning fire inspections and public education. Mr. Henschel also said there would be no reduction in personnel. President Styza said he felt this was a fair agreement, and it also includes EMS. Informal discussion closed at 8:15 p.m.

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 8:15 p.m. on Monday, June 8, 2009, at the Village Hall, 31275 W. Hwy K, Chenequa. Legal requirements for notification of the news media were met.

Consider action on consolidation of the Lake Country Fire Department with the City of Delafield.

President Styza explained that the expansion committee was unanimous in their recommendation of adoption. Motion (Wilkey, Foote) to approve the resolution approving the consolidation of the Lake Country Fire Department with the City of Delafield Fire Department, *Carried Unanimously.*

Appointments to the expanded Lake Country Fire committees:

President Styza said he would like to appoint Susan Wilkey and Gordon Gunnlaugsson as the two Chenequa members of the Fire Board, and Tim Tyre and Robert Manegold as the two Chenequa members of the Fire Commission.

Motion (Haase, Seidel) to approve appointment of Susan Wilkey and Gordon Gunnlaugsson to the Fire Board, and Tim Tyre and Robert Manegold to the Fire Commission, *Carried Unanimously.*

Review and consider resolution approving the proposed Chenequa Road Policy and cost share of maintenance to the local identified roadways of Morris Drive, Pine Meadows Lane and Muscovy Road in the Village of Chenequa.

President Styza said a legal question had now been raised. Trustee Haase said he was confused regarding the dollars received in aid and asked for clarification as to how the amount of aid was calculated. Trustee Foote said \$134,000 was for all roads, including private roads, and the presentation by Mr. Shannon overlooked some key expense items. Trustee Foote questioned how many miles of roads there were in total that the Village patrols and Administrator/ Police Chief Douglas said he did not have that figure. Trustee Wilkey asked if the amount received was for all Village roads, and President Styza told her she was correct. President Styza said that Muscovy Road was previously Highway K; and Pine Meadows was part of Highway 83 at one time. Trustee Foote said the attorney that spoke suggested that the Village does not have the right to establish this policy. Attorney Krutz said the proposed policy is a policy set by the Board as to what the presumption the Village would follow. To actually have a special assessment, there are is a specific procedure which the Village would have to follow. The policy allows the Village to appoint a delegate and try to resolve this on an agreement basis. The special assessment is allowed under two powers, (1) if it is a police power or (2) if there are special benefits conferred to those being assessed. But the

special benefits conferred must be different for the group being assessed than the general public. Once a determination is made that special benefit is being conferred, then the assessment must be limited to that additional special benefit. There are different ways to measure the benefit, per linear foot, per assessed value. Trustee Foote questioned what might be challenged. Attorney Krutz said there were procedures that had to be followed: (1) follow the proper notice procedures to specially assess, (2) the Board has to make the findings required by the statute and (3) and after the Board makes the findings, the Village has to allocate the costs. President Styza said a blanket policy with a certain percent couldn't be made. Trustee Haase suggested taking the funds and putting them in escrow with additional funding. Trustee Foote asked if the three public roads could be made private. Trustee Haase said since there is no road fund currently in place, the money would have to come from somewhere else, since there has been no money set aside. Trustee Seidel said it was her understanding that the money was for public roads, but reason tells you \$134,000 is for all the roads. She said the Village should have a policy, and the Village's policy to pay 25% is generous. She also stated if possible, to have the State cover 50% of the project. She then questioned if the Village should be responsible for cutting the grass on Morris Drive.

Trustee Villavicencio asked if was a known fact that these roads were definitely public roads. Administrator/Police Chief Douglas said the road lies on State property but is Village-owned according to the Department of Transportation. Mr. Ewald echoed the fact that the Department of Transportation owns the land under the road, and the municipality is responsible for the road. This information was received from a Director at the D.O.T. who had been there 31 years in this area. Attorney Krutz said that research would be needed if the question of ownership of the road was crucial when looking back to dedications and transfers you may or may not find the microfiche that was supposed to be followed. They were not always recorded as they are now, digitally; but it should be recorded that it is State land, whether or not there was transfer to the village wouldn't be known until a deed search is performed. Trustee Wilkey said it is a very important fact as this decision is being made. Attorney Krutz said he could check and research Muscovy Road as well. Trustee Foote said he was concerned about potential litigation. President Styza said the Village could vacate the road, but that wouldn't work if the property owners don't want to accept it.

Motion (Seidel, Foote) to approve the Village of Chenequa Road Policy, *Carried Unanimously*.

Approve minutes of the May 11, 2009, Village Board meeting.

Motion (Villavicencio, Haase) to approve the minutes of the May 11, 2009 Board meeting, *Carried Unanimously*.

Clerk/Treasurer

Present invoices for approval.

Motion (Villavicencio, Seidel) to approve the invoices as presented, *Carried Unanimously*.

Report on Investment activity.

Investments were reviewed, no action was required.

Review and consider bids on Morris Drive repavement project.

Attorney Krutz questioned how long the bid was open. President Styza said he assumed it would be open for the season. He said Payne and Dolan were hoping to piggyback this project with a project in Nashotah. Attorney Krutz said he would not recommend giving authority until the Village was ready to spend the money.

Consider renewal of liquor license for the Chenequa Country Club, and barenders' licenses for Shaun Whelan, Matthew Reich, Shea Michael O'Rorke and Brian Socha.

Motion (Haase, Wilkey) to approve the issuance of a liquor license to the Chenequa Country Club, and bartenders' licenses as stated, *Carried Unanimously*.

Review and consider revised solicitation ordinance.

Administrator/Police Chief Douglas said there was one minor revision to the ordinance: that persons who are going door- to-door but are not soliciting are not covered by the ordinance. Trustee Seidel asked what rights the property owner has. Administrator/Police Chief Douglas said owner's have the right to notify others that they are not to trespass.

Motion (Foote, Seidel) to approve the revised solicitation ordinance, *Carried Unanimously*.

Review and consider request from the Village of Chenequa to the Chenequa Foundation for funding considerations.

Administration/Police Chief Douglas explained that the Chenequa Foundation had approved funding for a Laserfiche system which will electronically scan every document at the Village hall, thereby protecting all the Village records. The cost is estimated at \$9,000 for the system and another \$4,000 allowance for the scanning of the approximately 17,000 documents. The other funding approved by the Foundation is for an updated website that is more user friendly. He said the home page could contain an updated newsletter. The total for the two projects is not to exceed \$22,000.

Motion (Wilkey, Villavicencio) to approve the funding offered by the Chenequa Foundation for a Laserfiche system and an updated website, with the total not to exceed \$22,000, 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 No report.

Emergency Government Committee No report.

Lake Management Ad Hoc Committee No report.

Police Commission No report.

Report of Village Administrator.

Hasslinger Drive Update.

Administrator/Police Chief Douglas said there was a meeting with the Williams but it was hard to say how it went. Attorney Krutz was asked to check with the Town attorney to see if it would be possible to detach the legal description of Hasslinger Drive as it sits, and give it to the Town of Merton. Trustee Foote noted this would result in the reduction of State Aids.

Report of Village President.

a) Consider Resolution recognizing William Biersach

b) Consider Resolution recognizing Timothy Tyre

Motion (Wilkey, Foote) to approve the resolutions of appreciation for William Biersach and Timothy Tyre, Carried Unanimously.

Report of Village Attorney

No Report.

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


Trustee Seidel questioned whether piers are required to be registered.

Trustee Wilkey asked if the Board would want reports on a regular basis from the Fire Board, and President Styza told her they could be made as needed.

Adjournment.

Motion (Villavicencio, Wilkey) to adjourn the June 8th meeting of the Village Board at 8:58 p.m., Carried Unanimously.

Respectfully submitted by:


Bonita Zimdars
Clerk/Treasurer

Approved and Ordered Posted by:


Bryce Styza
Chenequa Village President