

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, JULY 13, 2009
Unofficial until approved by the Village Board
Approved as written (X) or with corrections () on 8-10-2009

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, July 13, 2009, 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. Villavicencio / Trustee – present
Ms. Seidel / Trustee – present
Mr. Gehl / Trustee – present
Mr. Foote / Trustee – present
Ms. Wilkey / Trustee – present
Mr. Haase / Trustee – present
Attorney David Krutz / Village Attorney - present
Mr. Douglas / Administrator -Police Chief – present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Emil Ewald; Barbara Ewald; James. M. Williams; Jeffrey Simon; Molly Simon

President Styza questioned the members of the Board if they would consider taking item #7 first in order to give Mr. Ewald the opportunity to speak concurrently with the discussion for the road policy. The members of the Village Board agreed.

Review and consider bids on Morris Drive repavement project.

Consider adoption of a preliminary resolution of Board's possible intent to use the Board's powers under Wisconsin Statutes § 66.0703 to have a part of the cost of the improvement of Morris Drive paid through special assessment.

If adopted the preliminary resolution will include the following:

- (i) **The purpose of the special assessment;**
- (ii) **The limits of the proposed assessment district;**
- (iii) **The number of installments in which the assessments may be paid; and**
- (iv) **A direction to the proper Village officer or employee to make a report consistent with Wisconsin Statutes § 66.0701.**

President Styza asked Administrator/Police Chief Douglas to review the bids received for the Morris Drive project. Administrator/Police Chief Douglas told Board members the bid from Payne and Dolan came in at \$36,222 and the other bid from Wolf Paving came in at \$38,548.20. He went on to say it was the recommendation of R.A. Smith, the engineers of this project, to take the lowest bid. Attorney Krutz said if the Board felt the bid meets all requirements, it may be accepted.

Motion (Seidel, Haase) to accept the bid from Payne and Dolan in the amount of \$36,222, *Carried Unanimously.*

The Board next considered the issue of a possible assessment to pay for part of the improvements. Attorney Krutz explained that in order to meet state statutes, the Board would need to define that certain property owners will receive a special benefit, beyond the general benefit. Also three conditions must be met: (1) the Board must define the purpose of the special assessment; (2) the Board must identify the limits of the special assessment district; and (3) the Board must define the number of installments over which the payments may be made.

Motion (Foote, Seidel) to use the special assessment process because the improvement provided a special benefit to the eight property owners who either lived on Morris Drive or accessed the properties via Morris Drive, *Carried Unanimously.*

Next the limits of the special assessment were outlined by Administrator/Police Chief Douglas. The following property owners would be included in the special assessment: Browne, Jones, Safro, Culver, Ewald, Helz, Sayles, and Girard. The consensus of the Village Board was that all should be charged equally.

Attorney Krutz then told Village Board members they could either make a recommendation as to the number of installment payments allowed or wait to decide that issue until the public hearing. President Styza suggested that a period of 3 years would be reasonable, noting that if these residents paid up front, they would pay less by avoiding an interest charge.

The consensus of the Village Board was to allow up to 3 years for repayment of the special assessment.

President Styza asked for public comments as to Item No. 7 on the Agenda.

Mr. Ewald stated that the Village Letter of May 28, 2009 is incorrect with respect to the amount the Village receives per mile from the General Transportation Assistance Fund (GTA). Mr. Ewald distributed a memo entitled "2009 GTA Calculation Process" to illustrate his point. Mr. Ewald stated that the Village has the right to assess the taxpayers for road improvements but he asserted that other areas of the budget cover the costs which the Village needs for police protection. He further stated that the Village has collected money over the years to take care of Morris Drive but did not use the funds for that purpose. Mr. Ewald further stated that although he respects the Village's position, he does not believe it is fair since the Village has collected funds and the Village should have set aside a reserve for road repairs.

Trustee Gehl replied that the amount the Village received as State aid is clearly not limited to the maintenance and policing of 1.19 miles of roadway. He further stated that the Village is proposing to pay 25% of the cost of the improvement of Morris Drive so the Village is stepping up to assist the residents. He also stated the Board must weigh the costs and benefits to all Village residents versus the benefit received by those being specially assessed.

Mr. Ewald reviewed in some detail other amounts submitted by the Village to the State.

Trustee Foote, Trustee Gehl, Trustee Haase and Mr. Ewald debated whether the residents who use Morris Drive were situated any differently from others in the Village with respect to the use of State and road aids.

Mr. Ewald offered to provide the names of those he contacted at the State.

Mr. Ewald inquired as to whether the Village had looked into that funding option provided by the State's Local Road Improvement Fund Program (LRIF). Village Administrator Douglas explained that the application for the LRIF program has been submitted. He also stated that there is some question as to whether the scope of the improvements would need to be changed if LRIF funds were to be used.

Motion (Seidel, Gehl) to adopt the preliminary resolution of the Board's intent and to use special assessment powers to pay for 75% of the improvements of Morris Drive equally divided among 8 property owners and up to 3 installments, *Carried Unanimously*

Trustee Haase asked if this could be modified if the owners wanted to go to a five year installment. Attorney Krutz stated that the Board has only adopted a Preliminary Resolution and that all aspects, including the number of installments could be charged at the time of the public hearing. Attorney Krutz also said if the property owners agreed on all conditions, a public hearing was not needed.

Approve minutes of the June 8, 2009 Board Meeting.

Motion (Foote, Villavicencio) to approve the minutes of the June 8, 2009 Board meeting, *Carried Unanimously*.

Clerk/Treasurer

Present invoices for approval.

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

Report on Investment activity.

Investments were reviewed, no action was required.

Preliminary/ Possible Final - Review and consider plans submitted by Clyde and Linda Surles for an addition/remodel for their property located at 5060 N. Maple Lane.

President Styza explained that the Plan Commission met earlier in the evening and this project had been held over.

Preliminary - Review and consider plans submitted by David Herro & Jay Franke for a new residence structure for property address 5014 N. Maple Lane.

President Styza explained that the existing home would be torn down, and that the Plan Commission gave preliminary approval for this project. Trustee Seidel asked if the proposed garage was being moved, and was told it would be moved by 3.4 feet.

Motion (Wilkey, Seidel) to give preliminary approval for plans submitted by David Herro & Jay Franke, *Carried Unanimously.*

Review and consider Certified Survey Map submitted by Jerry Matteson for part of the Southwest ¼ of the Southwest ¼ of Section 22, Town 8 North, Range 18 East, in the Town of Merton, Waukesha County, Wisconsin, per Village Code 6.18 extraterritorial jurisdiction.

President Styza explained that this Certified Survey Map was for extra territorial property and had already been approved by the County and the Town of Merton. He said the recommendation from the Plan Commission was for approval.

Motion (Villavicencio, Wilkey) to approve the certified survey map submitted by Jerry Matteson, *Carried Unanimously.*

Consider appointing the following terms for members assigned to Lake Country Fire Commission and Fire Board:

- Rob Manegold term through 2010 – Fire Commission**
- Timothy Tyre term through 2011- Fire Commission**
- Gordon Gunnlaugsson term through 2010 – Fire Board**
- Susan Wilkey term through 2011 – Fire Board**

President Styza said the appointments have been made to the new fire commission and fire board for Lake Country Fire Department. He said by approving these appointments, their terms would be set.

Motion (Foote, Gehl) to approve Rob Manegold to the Fire Commission term through 2010; Timothy Tyre to the Fire Commission term through 2011; Gordon Gunnlaugsson to the Fire Board term through 2010; Susan Wilkey to the Fire Board term through 2011, *Carried Unanimously.*

Review and consider census 2010 proclamation.

Motion (Foote, Gehl) to approve the 2010 census proclamation, *Carried Unanimously.*

Committee Reports

- Public Safety**
- Operations**
- Plan Commission**
- Open Space**
- Board of Appeals**
- Personnel Committee**
- Hwy 83 Task Force**
- Emergency Government Committee**
- Lake Management Ad Hoc Committee**
- Police Commission**

Trustee Wilkey gave a report on the Fire Commission, saying Rod Stotts was elected president, and Gordon Gunnlaugsson was elected vice president. Eileen Stefanski was elected secretary/treasurer. The two fire departments will do joint training on extrication and also hose training. The new budget won't be completed by August 1. The department needs start up money, so the three communities will be assessed a portion based on a percentage basis. Chenequa will be responsible for approximately 11 – 12%. The Fire Commission will be meeting twice in the month of August, with the next meeting scheduled for August 6th. It was then clarified that the Commission hires and fires; and the Board oversees operations. The Fire Board recommended to the Fire Commission to keep the present Fire Chief.

Report of Village Administrator.

Hasslinger Drive update

Administrator/Police Chief Douglas said he had no update at this time on Hasslinger Drive, and a correspondence from a resident had been forwarded to the Trustees regarding Hasslinger.

He went on to say that in August there should be an agreement for review from Verizon. Also, the repavement of Highway 83 project is underway. The workers on this project are working 12 hour days as weather allows.

President Styza noted that the old tower had been taken down, and some of the space on the current tower was maintained for Chenequa. Currently, part of that space is being used by Netwurx.

Next Trustee Seidel asked where the idea for the detachment of Hasslinger Drive came from. Administrator/Police Chief Douglas said that the Town of Merton has maintained the Chenequa portion of Hasslinger Drive for many years. This front portion of Hasslinger Drive is within the Village of Chenequa. The Town of Merton is not able to get State Highway aids on this portion of road. He said the Town would like the Village to detach the road so they can start receiving Street Aids. Trustee Foote pointed out this only pertained to the road, and does not include detaching properties. He said a Village may annex property from a Town, but the Village of Chenequa would have to give approval in order for a Town to annex from a Village.

President Styza asked for public comment as to Item No. 11 on the Village Agenda.

Mr. Williams asked for clarification on what is meant by "detach Hasslinger Drive *as it sits*". Attorney Krutz explained that the Village currently has jurisdiction of a portion of Hasslinger Drive but is proposing to give jurisdiction to the Town of Merton.

Mr. Williams objected to Village Administrator's description that Town of Merton could receive more State aids for maintaining Hasslinger Drive if jurisdiction was transferred.

Discussion was had about what advantage the Village would receive if it agreed to detach jurisdiction. Village Administrator Douglas explained that he was asking the Town of Merton to address the facts and address the concerns raised by the Village and its residents. Trustee Gehl reiterated that no decision had been reached by the Board.

Report of Village President.

Correspondence received regarding driveway clearance and distance markers

President Styza explained the concerns of the fire department in relation to driveway clearance. Trustee Seidel asked if there would be an advantage to having a hold-harmless clause. Attorney Krutz said the Village is fully protected under its insurance and through the immunity the Village has under Wisconsin state statutes when it is carrying out life safety issues.

Trustee Haase told Board members that over the weekend, while up north, he received a phone call from the Sheriff warning of an oncoming storm. He said he thought this was a unique service. Administrator/Police Chief Douglas said that same type of system is now getting into place in Waukesha County.

Report of Village Attorney

No Report.


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

Trustee Seidel said she would like to see some guidance for the new pier regulations.


Adjournment.

Motion (Wilkey, Villavicencio) to adjourn the July 3rd meeting of the Village Board at 8:40 p.m., Carried Unanimously.

Respectfully submitted by:


Bonita Zimdars
Clerk/Treasurer

Approved and Ordered Posted by:


Bryce Styza
Chenequa Village President