

## Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING  
MINUTES OF MONDAY, MARCH 8, 2010  
Unofficial until approved by the Village Board  
Approved as written ( ) or with corrections (✓) on 4-12-2010

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, March 8, 2010, 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. Foote/President – present  
Ms. Villavicencio/ Trustee – present  
Ms. Seidel / Trustee – absent  
Mr. Gehl / Trustee – present  
Ms. Wilkey / Trustee – present  
Mr. Haase / Trustee – present  
Mr. MacDonough/ Trustee – present  
Attorney David Krutz/ Village Attorney - present  
Mr. Douglas / Administrator -Police Chief – present  
Ms. Zimdars / Clerk-Treasurer – present

### Attendance

Mary Sellers, Amy Neumann, Matt Neumann, Jeff Simon, Rich Weaver, Susan Beede, Gary Beede, Molly Simon, Jill Denny, Susan Marguet, Kathleen Sheeley, Barry Belanger, Mary Belanger, Carrie Gindt (Reilly, Penner & Benton)

### Public comment period

First to speak was Rich Weaver, 6275 N Oakland Hills Rd., who said there have been problems with this land ever since the Hasslinger property was sold. He said there are reoccurring problems because the rules aren't followed. Next Attorney Susan Marguet addressed the Village Board saying she represented property owners Mr. and Mrs. Beede, Mr. and Mrs. Denny, Mr. and Mrs. Belanger, Mr. and Mrs. Simon, and Mr. and Mrs. Treiber. She said they were opposing the removal of the restrictions on the property and discussed several reasons why:

- Village limits lie up against the proposed property
- Neumann is proposing to build on the highest point of Lot 1
- Violations have occurred in the environmental corridor
- Driveway will take a large amount of square footage due to the slope
- New field survey doesn't say where home should be built, just that it can't go beyond 15%
- Buyer is choosing the most fragile area of the topography
- County is asking for input from Town of Merton and Village of Chenequa
- No field survey from SEWRPC delineating environmental corridor for lot 2

Next Jill Denny, 6151 N Oakland Hills Rd., spoke, saying she was very concerned with the proposal. She said there is currently a lot of erosion at the base of the slope, and she is becoming frustrated as a property owner. Ms. Denny expressed concern with the fact that no one monitors what happens with this property. She said she spoke with Marilyn Harrison, the planner for the Town of Merton, who told her the new owners would start with a clean slate. She said the CSM which was signed by the Village in 2006 said the land would be protected.

### Review and consider Release of Restriction submitted by Matt Neumann, being all of Lot 1 C.S.M. 10522, located in the NW ¼ of Section 29, T.8N., R.18E., Town of Merton, Waukesha County, Wisconsin per Village Code 6.18 extraterritorial jurisdiction.

President Foote asked Attorney Krutz to explain the authority the Village has in this matter. Attorney Krutz said the Village has adopted the official map and has taken the first steps toward enforcing its extra territorial jurisdictional rights, but the Village has not taken all the steps that would need to be taken in order to enforce all the rights it might otherwise have in the 1.5 mile extra territorial jurisdiction. The only area where this has been done is in the original Hwy 83 corridor. The Board has *advisory rights*, and that does not mean the Board should take no action. If no action is taken then it is deemed to be approved. He went on to explain that the Plan Commission, which met earlier in the evening, had discussed the fact that in 2006 the original CSM was signed for this property. Although it is advisory only, it (1) still carries weight with the County and the Town, and (2) there is an argument that there is a contractual right that all three parties that signed off on the original CSM must also sign off on the release of those restrictions. President Foote said at the Plan Commission

meeting the vote was 5 to 1 to deny the release of the restrictions. Trustee Gehl said it is always clear that the Village has extra territorial advisory authority, only. He then said it is not unusual to create unbuildable lots, and the Village should abide by their position when the original split occurred. Trustee Villavicencio said construction of buildings is prohibited in the corridor and she was not in favor of signing the release. Mr. Neumann then spoke, asking what the next step would be.

Motion (Villavicencio, Haase) to deny the release of the restrictions on CSM 10522 as presented, *Carried Unanimously*.

**Presentation of 2009 Financial Statements by Carrie Gindt of Reilly, Penner & Benton LLP.**

Ms. Gindt handed out two separate letters prepared by the accounting firm for the Village Trustees. She said that Reilly, Penner & Benton issued an unqualified opinion for the Village of Chenequa. The fund balance was then explained, and graphs were shown depicting revenues, expenditures and the general fund. Two issues of concern were noted: segregation of duties (which is common in a Village of this size); and the fact that staff does not have the ability to prepare financial statements. Ms. Gindt suggested that keeping back up files off site would be a way of keeping records more secure. She went on to say there were no significant account procedures changed during the year, and there were no uncorrected statements. Other issues reviewed were three months of unreconciled bank statements at the end of the year, and the lack of review of bank statements by two persons.

Trustee Haase asked what happens with the management recommendations. Administrator/Police Chief Douglas said the backup file is kept on site, and Trustee Gehl suggested taking the tape to the bank once a month. It was noted that the backup had been failing recently so the plan is to switch to a digital backup. Bank statements were not reconciled due to an oversight and the bank switching to paperless statements. That issue was corrected the day the auditors came to do the audit. All bank statements are initialed first by Administrator/Police Chief Douglas then reconciled by the Clerk/Treasurer. He said we do not have qualified staff to check the bank accounts after they are reconciled and suggested that is the reason we agreed to quarterly reviews by the accounting firm.

**Approve minutes of the February 8, 2010 Village Board meeting.**

Motion (Wilkey, Gehl) to approve the minutes of the February 8, 2010 Board meeting, *Carried Unanimously*.

**Clerk/Treasurer**

**Present invoices for approval.**

Trustee Gehl questioned the invoices presented for document shredding and a micro light kit from Bendlin Fire. Clerk Zimdars explained that recently the records room was cleaned out creating many documents to be destroyed. Administrator/Police Chief Douglas said the light was a yellow warning light for the top of the new highway/forestry vehicle. Trustee Haase asked why the Village was paying union dues, and Clerk Zimdars explained that the officers reimburse the Village from their paychecks for this expense. President Foote questioned the charge for the knox boxes. Trustee Wilkey asked what would happen with the knox boxes because of the new fire department. Administrator/Police Chief Douglas said Delafield has a different key system for knox boxes, but if the numbers are compared, Chenequa has 185 and Delafield may not have nearly that many so it should be apparent which municipality should make the change. He said the charge was approximately \$10 for new cylinders for the boxes, but the labor would be billed in addition to that charge.

Motion (Gehl, MacDonough) to approve the invoices as presented, *Carried Unanimously*.

**Report on Investment activity.**

Investments were reviewed, no action was required.

**Review and consider CSM for Garvin Lake LLC being all of lots 6, 7, 16, 15, 14, 13, 12, 11 and the south 30 feet of lot 10; also part of platted R.O.W. vacated in resolution no. 092209-01, dated September 22, 2009; 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, Wisconsin per Village code 6.18 extraterritorial jurisdiction.**

President Foote explained that the Plan Commission had approved this CSM.

Motion (Haase, Wilkey) to approve the CSM as presented for Garvin Lake LLC, *Carried Unanimously*.

**Review and consider approval of the agreement for snowplowing and road maintenance with the Town of Merton.**

Administrator/Police Chief Douglas said the Town of Merton has done maintenance on Hasslinger Drive and Beaver Lake Road for easily 30 years at no cost to the Village of Chenequa. He then noted the Village has been paying Delafield a sum of \$1,100 per year for the upkeep of Vettelson Road.

Motion (Wilkey, Villavicencio) to approve the agreement for snowplowing and road maintenance with the Town of Merton, *Carried Unanimously*.

**Discuss and review Village-owned real estate, including a look at the plats.**

President Foote explained the plats were of the Village Garage, Vettelson Road- north of railroad tracks, and the Village dump site. He said he learned the Village Garage property couldn't be sold. Cathy Leiber and Beachy Gallagher were contacted to give a value on the dump site, and Beachy responded very quickly saying the recommended price would be between \$350,000 and \$375, 000. He reminded Board members the selling of that property is to offset the mortgage on the Village Hall. Trustee Haase suggested hanging on to the property for a few years. Trustee Villavicencio said it took a sizable amount of money to clean up the dump site. Trustee MacDonough said this was not the time to sell real estate. President Foote reminded Board members that the reserves were to be used for vehicle replacement within the Village and the newly formed Fire Department. He said this could be looked at more in depth during the budget process. It was the conclusion of the Trustees to do nothing at this time.

**Committee Reports**

**Public Safety** – no report.

**Operations** – Trustee Villavicencio put together a survey which has 12 – 13 questions on Village services. This letter will be going out in April, so it should be discussed at the May meeting.

**Plan Commission** – met earlier.

**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

**Lake Country Fire and Rescue Board** – no report.

**Report of Village Administrator.**

Administrator/Police Chief Douglas said the deer program was in its last week. To date, 63 deer have been taken this year. May get 10- 12 more out of a property that recently signed up. President Foote said he counted 20 deer on the north side of Pheasant Lane.

**Report of Village President.**

No report.

**Report of Village Attorney**

No report.

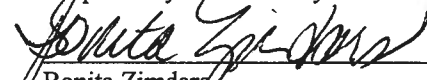
**Agenda items to be considered for future meetings of the Village Board.**

Trustee Villavicencio suggested the Village should look into extra territorial zoning beyond just Hwy 83. She said it seemed it would be beneficial to follow through with the other steps. Trustee Gehl agreed. Trustee Haase told Board members the DNR had rejected the proposals for the North Lake launch sites based on the environmental impact outlined in a 14 page document.


**Adjournment.**

Motion (Gehl, Villavicencio) to adjourn the March 8<sup>th</sup> meeting of the Village Board at 8:50 p.m., *Carried Unanimously.*

Respectfully submitted by:

  
Bonita Zimdars  
Clerk/Treasurer

Approved and Ordered Posted by:

  
Robert Foote Jr.  
Chenequa Village President