

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF TUESDAY, JANUARY 15, 2013.
Unofficial until approved by the Village Board.
Approved as written (✓) or with corrections () on 2-11-13.

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:03 p.m. on **Tuesday, January 15, 2013**, at the Village Hall, 31275 W. Hwy K, Chenequa, Wisconsin. Legal requirements for notification of the news media were met. The following Village Board Members were in attendance:

Mr. Robert T. Foote, Jr. / President – present
Ms. Jo Ann Villavicencio / Trustee – absent
Ms. Susan Wilkey / Trustee – present
Ms. Carol Manegold / Trustee – present
Ms. Dwyn von Bereghy / Trustee – absent
Mr. Bronson Haase / Trustee – present
Mr. Jack MacDonough / Trustee – present
Attorney Michelle Wagner Ebben / Village Attorney – present
Mr. Robert Douglas / Administrator/Police Chief – present
Ms. Pamela Ann Little / Clerk/Treasurer - present

Attendance

Rich Lartz and Kelly Smith

Public Comment

None

Approve minutes of the December 10, 2012 Village Board meeting.

Motion (Haase/Wilkey) to approve the minutes of the December 10, 2012 Village Board meeting. *Carried Unanimously.*

Clerk / Treasurer

Presentation of Invoices for Approval.

Motion (MacDonough/Wilkey) to approve the bills as presented. *Carried Unanimously.*

Report on Investment Activity.

Investments were reviewed. No other changes since our last meeting.

The Chenequa Village Board may enter into closed session pursuant to Wisconsin State Statute §19.85(1)(e) to discuss investment of public funds. Participating in the closed session will be the Village Board, Village Attorney, Village Clerk, and the Village Administrator.

There was no need to go into closed session. Administrator Douglas wanted a brief follow-up from the Village Board on investment of public funds. It was decided that we stay the course, be conservative with tax payers' money and keep with LGIP and our local bank.

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

No need to reconvene into open session due to no closed session.

Review and consider land division plans submitted by Tranquility, Inc. by Barbara N. McCallum of 4898 N Highway C.

President Foote reported that at the Plan Commission tonight it became apparent that the land owners who use the Nunnemacher Road on CTH C have not been able to resolve the access issue. Harry Nunnemacher presented some new data which if accurate, there would be an agreement between Harry's aunt, a family trust, and Tranquility, Inc. to gain access to CTH C. There is no basis for preventing the land division.

Review and consider plans submitted by Lake Country Bible Church for a new church structure on Watertown Plank Road.

President Foote reported that the Plan Commission did not discuss the proposed plans for the church because there was an indication by Lake Country Bible Church (LCBC) that if it were possible, they would like to detach from the Village of Chenequa (VOC) and attach to the Village of Nashotah (VON). LCBC would then have access to the Del-Hart sewer system which would save them a considerable amount of construction money for a septic and leech bed, in addition to having a better impact in the long run on the environment. The Plan Commission would like the Trustees to see if they would consider a petition from LCBC to detach from the VOC and annex into the VON. Consensus among Plan Commission Members was that they would find this acceptable insofar as we would have some input on the plans for the church and possibly put restrictions on the land to protect the interests of the VOC and the VON.

Rich Lartz from the Village of Nashotah suggested pulling conditional use permits which would restrict the use of the structure so that it would be exclusively used as a church, no school. Should the church at any point outgrow the facility and want to sell the property, the building again would only be used as a church and nothing else.

It was suggested by Attorney Wagner Ebben that a restricted covenant be prepared and recorded because once the property is annexed into the VON, the VOC would not have control over the conditional use permits in perpetuity.

Concerns of both municipalities were shared and will be considered jointly when a sub-committee is formed to outline the parameters for the conditional use permits. Carol Manegold was asked to be the Village representative when working out the restrictions with the VON and LCBC. Trustee Manegold accepted this position.

Review and consider revisions to Village Ordinance 5.19 Fences Regulated.

Administrator Douglas explained that the revision is a minor cleanup of language. The fence ordinance was revised in 2001 for fencing to be allowed on lakeshore to prohibit geese from coming onto lawns. Over time, we have not been issuing goose fence permits. Therefore, if we are not enforcing this section of the ordinance, it should probably be eliminated. This would remove the annual \$3 goose permit fee. Administrator Douglas proposed eliminating the permit portion of this ordinance but continue to keep the fencing restrictions.

Motion (Foote/Haase) that we adopt the language so shown in 5.19(3) which reads, "No permit shall be required for such temporary goose barrier fences." *Carried Unanimously.*

Review and consider revisions to Village Ordinance 5.22 Driveway Regulations.

Attorney Wagner Ebben explained that the modification to this Ordinance was brought to our attention through the dispute process of Tranquility, Inc. All private roads in the Village must have appropriate access for emergency vehicles. A simple fix is to have the right-of-way defined so it includes private roads. This will address any liability issues. The rest of the language would remain as is. If there is any new construction or re-construction related to a driveway, they would have to comply with the new requirements. All existing driveways are grandfathered in.

Motion (Wilkey/Haase) to approve the modification to Village Ordinance 5.22 Driveway Regulations as written. *Carried Unanimously.*

Review and consider revisions to Village Ordinance 5.01 Definitions.

Attorney Wagner Ebben explained because of the same reason as stated above, we needed to have a definition for driveways in the overall Chapter of our Building Code.

Motion (Haase/Foote) that we adopt the language so shown in 5.01(d) which reads, “The term “driveways” as used herein shall describe private driveways; accessory roads; parking areas; and private roadways, drives or streets which serve one or more lot.” *Carried Unanimously.*

Committee Reports

- Public Safety** – no report
- Operations** – no report
- Plan Commission** – reported above
- 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 Committee** – no report
- Police Commission** – no report
- Lake Country Fire and Rescue Board** – no report

The Chenequa Village Board may enter into closed session pursuant to Wisconsin State Statute §19.85(1)(e) to discuss the sale of Village owned property located at 5595 STH 83 and the purchase of property located at 31197 CTH K. Participating in the closed session will be the Village Board, Village Attorney, Village Clerk, and the Village Administrator.

There was no need to go into closed session. Administrator Douglas gave a progress report. The Village has come to terms with both property owners on both sales to agreeable prices. Attorney Krutz and Administrator Douglas had discussions on how to move forward on our potential projects to come up with specs for the bidding process. Attorney Krutz suggested we put together a Request for Quote (RFQ) for a contractor. The contractor would provide us a structure under the parameters that we set. Administrator Douglas asked the Village Board to put this on the agenda for next month so we can move in that direction.

Attorney Wagner Ebben then advised that as part of looking at the transactions, that the Village Attorney and staff have researched the Village’s eminent domain powers and determined that

under Wisconsin State Statute Section 61.34(3), the Village has the power to acquire property through condemnation for the use of municipal vehicle parking areas and other public purposes. This power would include the power to acquire through condemnation property such as the property located at 31197 County Highway K, and the lot adjacent thereto. Statute was understood by Trustees.

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

No need to reconvene into open session due to no closed session.

The Chenequa Village Board may enter into closed session pursuant to Wisconsin State Statute §19.85(1)(g) confer with legal counsel and to hear advice concerning strategy which may be adopted with respect to litigation which the Village might become involved.

Participating in the closed session will be the Village Board, Village Attorney, Village Clerk, and the Village Administrator.

Attorney Wagner Ebben advised there was nothing to discuss and there was no need to go into closed session. We are waiting on responses.

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

No need to reconvene into open session due to no closed session.

Report of the Village Administrator

None

Report of Village President

None

Report of Village Attorney

None

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

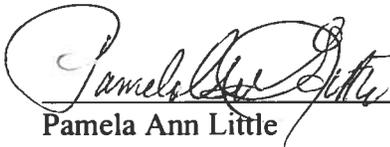
- Lake Country Bible Church Update
- RFQ for Contractor

Adjournment

Motion (Haase/Foote) to adjourn the January 15th meeting of the Village Board at 7:43 p.m.

Carried Unanimously.

Respectfully submitted by:



Pamela Ann Little
Clerk - Treasurer

Approved and Ordered Posted by:



Robert T. Foote, Jr.
Chenequa Village President