

Regular Village Board Meeting – April 14, 2008

The following media were noticed relative to this meeting per the Open Meetings Law of the State of Wisconsin: The Ozaukee Press, Port Washington, WI; The Milwaukee Journal-Sentinel (Ozaukee-Washington Desk), Milwaukee, WI; The Sheboygan Press, Sheboygan, WI. In addition, a copy of the agenda was also posted at the following locations within the Village of Belgium: Belgium Village Hall, Belgium Post Office, Port Washington State Bank (Belgium Office), Wisconsin State Bank (Belgium Office), and Belgium Hardware and Beverage.

Call to Order, Roll Call, Establishment of a Quorum:

President Schommer called the meeting to order at 7:00 p.m. In attendance were Trustees Krick, Gottsacker, Weyker, Pfeifer, Ritter and Lukas; absent: none. Also in attendance were Atty. Gerald H. Antoine, Daniel E. Birenbaum – DPW & Water Superintendent, Neil R. Anderson – Wastewater Superintendent, Frank D. Mayer – Building Inspector, Mark Cecil – Deputy Village Marshal & Jamie Cecil – Administrative Clerk, Jeffrey Thiel and Tom Vodicka.

Open Meeting Law Compliance Check

This meeting is in compliance

Pledge to Flag, Moment of Silence

Announcement of Closed Session (if any):

A closed session will take place later in this meeting.

Clerk-Treasurer's Reports:

- Minutes
 - Approval of minutes of previous meeting(s): None
- Financial reporting. Available after first quarter, 2008 auditor reviews

Review of Recent Correspondence:

None. Jeffrey Thiel commended the Belgium Fire Department's EMT unit on their response relative to his injury.

Announcements/Input:

The following announcements and input will be discussed and possible action taken:

- Chamber of Commerce Input. Trustee Gottsacker reported on the meeting held April 2nd at HoBo's Korner Kitchen. The Superintendent from the Cedar Grove-Belgium Area School District was the speaker. During the meeting it was noted that sidewalks would be needed within one (1) mile of the school. The positive letter appearing in the Ozaukee Press from the Belgium Area Chamber of Commerce on having a school in Belgium was noted and appreciated. President Schommer noted the need for an elementary school in Belgium in the 1990's. Jeff Thiel passed out a listing of Listening Sessions of Future Building Needs sessions to take place on May 15 (7 p.m.) and May 17 (10 a.m.) at the Belgium Community Center; May 17 (1 p.m.) and May 20 (7 p.m.) at the Cedar Grove-Belgium High School.
- Village Marshal/Ozaukee County Sheriff's Department Input:
 - Deputy Village Marshal, Mark Cecil, was in attendance. He noted that delinquent Dog Licenses were being followed up on at this point.
 - Ozaukee County Sheriff's Department had no representation at this meeting.
- Building Inspector Input. In March, 11 permits were issued with a value of \$640,200.00. Two permits for duplexes in Heritage Park were included in the 11 permits issued. Frank Mayer noted that he noticed Mastercraft that no permits will be issued until clean up takes place in the Ardennes Subdivision. The "sausage" roll erosion control were struck by snowplows this winter and broken up. Correct erosion control is required.
- Village Engineer Input. Nothing
- Ozaukee County Supervisor Input. Newly elected County Supervisor, Tom Winker, was not in attendance.

Action Items:

- Operator's Licenses. A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve Operator's Licenses for: Brandon N. Novak, Bradley E. Mayer, Nicole S. Ver Gowe, Jason G. Schinker, and Lori A. Wenske (subject to application correction). The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

A motion was made by Trustee Lukas and seconded by Trustee Krick to reject the Application for License to Serve Fermented Malt Beverages and Intoxicating Liquor for Abagayle Bruce, age 18, as she has had two alcohol related convictions that indicate her poor judgment for the use of alcohol. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

- Action on Building Permit Fees. Discussion took place relative to this issue. During the Plan Commission meeting of February 28, 2008, the following motion took place: "A motion was made by Ronald Weyker and seconded by James Sprader to recommend to the Belgium Village Board the following fees: 1) Accessory buildings under 95 sq. feet Building Permit \$30,00, Plan Review \$17.50, Final Inspection \$20.00. Not to exceed \$67.50. 2) Accessory Buildings over 95 sq. feet \$0.20 per sq. foot Building Permit, Plan Review \$17.50, Final inspection \$30.00. 3) State Tag - \$11.00 plus State Tag Fee. The Plan Commission was polled: ayes – James Sprader, Tom Vodicka, Ronald Weyker, Patrick Birenbaum, President Schommer; noes – none; abstain – none. Motion carried" Trustee Weyker, who also serves on the Plan Commission indicated that language in the motion is in error and should be changed to: Accessory Buildings 100 square feet or less: \$30.00 Building Permit Fee, Plan Review \$17.50, Final Inspection \$20.00 totaling \$67.50. Accessory Buildings over 100 square feet : \$17.50 Plan Review, \$30.00 Final Inspection plus \$0.20 per square foot.

Frank Mayer had left the meeting after his item on the agenda. The Village Board had questions for him. Clerk-Treasurer Mueller attempted to reach him by telephone.

Tom Vodicka, former Plan Commission Member, noted that it would be nice to kick back these fees to the Plan Commission as they put a lot of time into justifying the fees.

A motion was made by Trustee Krick and seconded by Trustee Lukas to move this item to before closed session. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

- Approval to apply for a 3% PSC Water Rate Increase. Clerk-Treasurer Mueller indicated that the Village's CPA had indicated that we should apply the rate increase. We did not apply for one in 2007. This rate increase is determined by numbers in the annual PSC Report.

Trustee Weyker questioned if this was tied to the Sewer Rates. We have decombined utilities and the water is the only utility regulated by the PSC. The Sewer Fund is regulated by the Village Board based on engineering information.

A motion was made by Trustee Lukas and seconded by Trustee Pfeifer to apply for the 3% PSC Rate Water Rate Increase. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

- 2008 Sewer Fund Budget approval. A motion was made by Trustee Lukas and seconded by Trustee Ritter to approval the 2008 Sewer Fund Budget as presented. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Summer Help. Daniel E. Birenbaum – DPW & Water Superintendent, indicated that both Alan Schlenvogt and Adam Mulloy would like to return to work this summer. Dan also indicated that he may need additional help as Paul will be spending additional time at the Wastewater Treatment Plant. A motion was made by Trustee Gottsacker and seconded

by Trustee Lukas to rehire Alan Schlenvogt and Adam Mulloy as summer help. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

- Resolution #10-08 – A Resolution Authorizing the Issuance of Taxable Tax Increment Project Revenue Bonds to the Village of Belgium, Wisconsin, to Ansay Development Corporation. Trustee Lukas introduced Resolution #10-08. A motion was made by Trustee Weyker and seconded by Trustee Krick to approve Resolution #10-08 as indicated in the approved Developer Agreement dated May 14, 2007. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

Miscellaneous Matters:

The following matters will be discussed and possible action taken:

- Status – The Ardennes II Subdivision. Erosion control measures must take place.
- Status – Maple Lawn, Phase #5 Subdivision
- Status – Maple Lawn, Phase #6 Subdivision. Maple Lawn #5 & #6 were discussed together. A problem exists with in ownership. The owner appears as VWH Development, LLC, while the first mortgage holder is CMIC and the second mortgage holder is Maple Lawn, LLC. Court action is currently active with an appeal thus everything relating to this project is at a standstill. Interest exists in Maple Lawn Phase #5 lots. The Village cannot enter private property to remedy the water issues.

The Village has approximately \$18,300 in escrow for trees for Maple Lawn #5 and \$17,500 (70 street trees in Maple Lawn, Phase #6, and 8 trees in Maple Lawn, Phase #4). Field tiles need to be repaired/replaced. The pond needs to be completed. No outlet to the pond exists. The 11 acre pond is full. Atty. Antoine noted that this is private property and the Village cannot enter the property to remedy some of the situations as it would be considered trespassing. .

Condemnation is not a good option.

Daniel Birenbaum suggested draining to a manhole to the east. McMahon Associates, Inc. had given the Village three options earlier that totaled approximately \$100,000.00 each. Daniel is to contact Matthew Greely, P.E. at McMahon Associates, Inc. to take another look at the situation and return with some low cost options.

- Status – Heritage Park Subdivision. An email had been received today from Neil Tiziani, Project Manager, A. N. Ansay Real Estate. He indicated that the Village noted that he wanted the Village to sign off 7 days after completion of the pond. Discussion took place on the length of time to finish the dry pond in Heritage Park. A motion was made by Trustee Weyker and seconded by Trustee Krick that if the a) pond is not completed by June 21, 2008, the A. N. Ansay Real Estate Letter of Credit will be drawn against to complete the project, b) The Village Policy is based on engineering approval. Inspector and DPW input at our next meeting. We do not plan to change our policies. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Status – Luxembourg Cultural Center & Development. The force main and sewer and water are installed. They need to take a hydrant out has it was installed improperly. A pipe will be installed from Highland Drive instead of an open ditch.

They are having problems contracting with a mason for the construction of the building.

- Status – Camelot Development. No activity. The Ed Buechler sale fell through. Trustee Ellen Lukas wanted to set the record straight relative to the rumor that the Belgium Village Market does not support local vendors. This is not true and the Belgium Village Market has made donations to a variety of Village organizations, etc. Trustee Krick suggested that the newsletter have an area and for the Village Market and all area business owners as to who they support. A Business to Business Salute each quarter. This is to be done for all businesses within the Village.

- Status – Kiosk near Ozaukee County Interurban Trail. The Clerk-Treasurer's Office will be working on the map next week.
- Village Security. Clerk-Treasurer Mueller suggested an Omni-View Mirrored Dome for a Village security measure within the offices. Trustee Krick questioned the dome and thought a wall mount may be better. A motion was made by Trustee Lukas and seconded By Trustee Krick to approve up to \$60.00 for an Omni-Mirror dome in a style that will work for the office. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Street Tree Status:
 - Replacement of dead trees, Ardennes II, 1st Addition Status. Nothing done to date. Trustee Pfeifer noted that the Tree Board Meeting did not take place in April. Clerk-Treasurer Mueller indicated that the membership did not respond to Interim Deputy Clerk-Treasurer, Mary Ellen Sprader, relative to the meeting in April. The Tree Board will have to look at the situation at their next meeting.

Jeffrey Thiel left the meeting at 8:32 p.m.

- ITU Service Agreement – Uniform Status. Atty. Antoine instructed Daniel Birenbaum not to sign the contract with ITU for uniforms. The rates are okay. The current contract had an automatic renewal clause in it. The new contract would have been for 5 years with an automatic renewal clause. This has to be addressed in three years during the month of January. We are to continue with the company as we currently are doing.
- Professional Agreement with McMahon Associates, Inc. for Main Lift Station Modifications (Phase #1 only) in the amount of \$3,000.00. A motion was made by Trustee Weyker and seconded by Trustee Lukas to approve an Agreement for Professional Services with McMahon Associates, Inc. for the Main Lift Station Modification for Phase #1 (\$3,000.00) only. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Language change in #32-07 Floodplain Zoning Ordinance. Gary Heinrichs, Floodplain Planning Program Manager, Bureau of Watershed Management, Wisconsin Department of Natural Resources, has contacted the Clerk-Treasurer indicating that they had made a error in the language that they gave for our ordinance. As this is a Zoning Ordinance change, publication and a public hearing would be required. Atty. Antoine is to contact Mr. Heinrichs. This topic is tabled pending our attorney's review.
- American Diabetes Association requests:
 - Use of Bares Memorial Park on May 18th as a rest stop.
 - Approval of Permit for use of the Ozaukee County Interurban Trail.
 A motion was made by Trustee Lukas and seconded by Trustee Weyker to approve both the use of Bares Memorial Park on May 18th and approval of the Permit for use of the Ozaukee County Interurban Trail. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Water Tower #1 issues. Two holes have been discovered in Water Tower #1 thus having to empty the tower and take it off line. Daniel thought it may have occurred with ice when he changed from the winter to the summer setting. Our contract with Utility Service Company will cover the cost of repair per Daniel Birenbaum. Canning started today at Lakeside Foods. No problems with water are anticipated.
- Scoreboard purchase for baseball diamond. Daniel Birenbaum obtained two quotes on scoreboard. One from NEVCO Scoreboard Company (\$3,903.00) and the other from Scoreboards.Net (\$4,100). Daniel indicated that they need one, not two scoreboards. A motion was made by Trustee Lukas and seconded by Trustee Weyker to purchase from NEVCO Scoreboard Company one model 1510 LED Scoreboard w/MPCX Wireless Control (\$3,616.00), 1 MPCX Operating Control Carrying Case (cc-4) (\$25.00), and freight estimated at \$262.20 with total cost not to exceed \$4,000.00. The Village Board

was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

Committee/Staff Reports:

- Clerk-Treasurer Input: Office is very busy.
- DPW & Water Superintendent Input:
 - Daniel E. Birenbaum – A tree near the flag pole is in an area where the Belgian flag is torn so it is not being raised. He wanted the tree to be cut down. He was instructed to trim the tree now and make a decision in fall about cutting it down.
 - Neil R. Anderson – Neil is concerned about potentially violating our permit due to inflow and infiltration (I & I). On Maple Street a lateral is shot. Our flows have dramatically increased. He has a concern about the I & I problem and explained how the flows are affected and how this excessive flow affects our wastewater treatment plant process. He suggested we attempt to abate as much I & I as possible.
- General Government and Finance Committee:
 - Approval of minutes – 3/24/08, 4/2/08, 4/3/08, 4/7/08, 4/11/08. A motion was made by Trustee Krick and seconded by Trustee Lukas to approve minutes submitted for General Government and Finance Committee Meetings dated 3/24/08, 4/2/08, 4/3/08, 4/7/08, 4/11/08. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.
- Protection of Personnel and Property Committee: Trustee Gottsacker had nothing to report.
- Health and Sanitation Committee: Trustee Lukas indicated that we need to start looking at the Garbage and Recycling Contract soon. Daniel Birenbaum noted that the new recycling hours have been established and activated.
- Sewer and Water Committee: Trustee Krick had nothing to report.
- Streets and Electric Committee: Trustee Ritter had nothing to report. A walk through needs to take place.
- Parks, Recreation, and Forestry Committee: Trustee Pfeifer indicated that the committee needs a meeting as soon as possible with the Athletic Association.
- Plan Commission. Nothing
- School District Report. Trustee Ritter indicated that he did not attend the last meeting. There is an “At Large” vacancy on the School Board.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker noted that he attended the last two meetings. The Main Street Program was explained as well as meeting with Representative Mark Gottlieb and Senator Glenn Grothman. He indicated that the Town of Richfield now became a Village. Their officials had to be sworn in by a judge. The Village of Richfield is considering joining the Mid-Moraine Municipal Association.
- Tree Board Report: A meeting is to take place sometime in May.
- A motion was made by Trustee Lukas and seconded by Trustee Krick to move agenda item 13) to before agenda item 12). The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

Finances:

- Approval of payment of bills: A motion was made by Trustee Lukas and seconded by Trustee Krick to approve the bills submitted for payment subject to availability of funds. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

A motion was made by Trustee Krick and seconded by Trustee Lukas to table Building Permit Fees to the next Village Board Meeting so Frank Mayer can explain plan review. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter, Lukas; noes – none; abstain – none. Motion carried.

Trustee Alfred Krick has written a letter to President Schommer and the Village Board over viewing his term in office. This will be Trustee Krick's last Village Board Meeting as he did not seek reelection.

Trustee Lukas left the meeting at 9:15 p.m.

Closed Session:

A motion was made by Trustee Ritter and seconded by Trustee Pfeifer to convene to closed session at 9:16 p.m. per WI Stats.19.85 (1)(c) relative to personnel. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter; noes – none; abstain – none. Motion carried.

- The Village Board reconvened to open session at 9:43 p.m.
- Action relative to closed session: A motion was made by Trustee Krick and seconded by Trustee Pfeifer that the Village Board to proceed to offer the full time Deputy Clerk-Treasurer to Candidate A with pay package A. If Candidates A declines the offer, to offer the position to Candidate B with pay package A and to allow Trustee Weyker, Chairman of the General Government and Finance Committee, to make the offer to the candidate(s). The Village Board was polled: ayes – Krick, Weyker, Schommer, Pfeifer, Ritter; noes – Gottsacker; abstain – none. Motion carried.

Daniel Birenbaum announced that the new John Deere Tractor came in on Friday and we have 30 days to pay for it. He will arrange a viewing at the May meeting.

Adjourn:

A motion to adjourn at 9:53 p.m. was made by Trustee Krick and seconded by Trustee Gottsacker. The Village Board was polled: ayes – Krick, Gottsacker, Weyker, Schommer, Pfeifer, Ritter; noes – none; abstain – none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC
Village Clerk-Treasurer