

Regular Village Board Meeting – August 9, 2010

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), Harris Bank, N.A. (Belgium Office), and Belgium Hardware and Beverage.

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

President Kevin Kowalkowski called the meeting to order at 7:01 p.m. In attendance were Trustees Thiel, Boehnlein, Wilkowski, Ritter, Nierode, and Gottsacker. Also in attendance were Atty. Gerald Antoine, Daniel E. Birenbaum – DPW & Wester Superintendent, Daniel Herr – Broadband Utility Partners Agreement, Patrick Bodus, Jamie Kleckner, Sara Schanen, Jamie Cecil – Treasurer, Deputy Clerk, Joan Gottsacker (7:04 p.m.), Tom Peterik (7:04 p.m.), Roger Kison – Building Inspector (7:21 p.m.), Carol Pomeday – The Ozaukee Press (7:22 p.m.), Neil R. Anderson – Wastewater Superintendent (7:34 p.m.), Atty. James Korom (8:00 p.m.).

Open Meeting Law Compliance Check

This meeting is in compliance.

Pledge to Flag, Moment of Silence

Announcement of Closed Session (if any)

There will be a closed session this evening.

Approval of Minutes:

- Minutes of July 12, 2010. A motion was made by Trustee Nierode and seconded by Trustee Gottsacker to approve the minutes of July 12, 2010. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.

Announcements/Input:

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

A motion was made by Trustee Ritter and seconded by Trustee Boehnlein to move agenda items 7)a)1 & 2 until the Building Inspector shows up. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.

Joan Gottsacker and Tom Peterik entered the meeting at 7:04 p.m.

- Engineering Input:
 - Status – South Avenue & Victory Street Sanitary Sewer and Storm Sewer Relay. A short meeting with Matt Greely, P.E. and Joe Woleske is scheduled for Wednesday. Daniel Birenbaum reported that two homes had seepage issues and two homes are having some water problems where the cross connections have been taken out. Questions were asked relative to billing and history. There has been a major reduction in inflow and infiltration.
 - Payment #2 – Woleske Construction (\$98,249.02). A motion was made by Trustee Boehnlein and seconded by Trustee Ritter to approve Payment #2 to Woleske Construction. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
 - Main Lift Station Improvements. A Pre-Construction Meeting was held last Wednesday. No start date is available at this time. The Village may have to close down the Recycling Center during construction.
 - Heritage Park Restroom Concession Stand Materials Bids. Status – they are going to start laying the block on Wednesday. Quotations were received from Neuens Lumber Company (\$6,377.00), Clem's Locksmith (\$7,582.00), Consolidated Doors (\$6,315.00) and Builders Hardware (\$5,145.00). They had to order frames as they were needed

then now. They were ordered from Builders Hardware. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve the lowest bidder – Builders Hardware of no more than \$5,145.00. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode; noes – none; abstain – Gottsacker. Motion carried.

- Tom Peterik – Tree Board concern. Mr. Peterik requested to be heard by the Village Board. Mr. Peterik criticized the Village Board for not calling the membership of the Tree Board together to discuss their future when Mr. Howells resigned as Tree Board Chairman. The word on the street is that the intention is to kill the Tree Board. President Kowalkowski stated that information was not correct. A possibility exists that the Parks, Recreation and Forestry Committee should take over the function. Explanation was given by the Village Board regarding tax monies supporting the Tree Board's budget. If no one steps to the plate to become the Chairman of the Tree Board, the Village Board has no other choice but to blend it into the Parks, Recreation, and Forestry Committee. Mr. Peterik recited the history of the Tree Board and why it was created. Indication that the lack of planning and spending with no authority by the Tree Board past Chairman was a concern. Trustee Boehnlein explained donations and budget applications. The intention of the donor should be honored.

Roger Kison entered the meeting at 7:21 p.m.

Carol Pomeday entered the meeting at 7:22 p.m.

Neil Anderson entered the meet at 7:34 p.m.

Action Items:

- Broadband Utility Partners Agreement. Mr. Daniel Herr was in attendance. Discussion and negotiation took place relative to the proposed agreement between Broadband Utility Partners Agreement. Internet hook-ups, rents and locations were discussed. Broadband wireless and cell phones are not the same. \$200-\$500 per month is the typical range of lease payments per month noted Mr. Herr. Currently the Village Garage is under Time Warner Cable for three year contract for internet services. The Village Hall is serviced by Ozaukee County. The Wastewater Treatment plant is a candidate for this service as it is serviced with Frontier (formerly Verizon) on a month to month basis. Discussion took place. Treasurer Jamie Cecil indicated that she thought that the charge should be \$300.00 to \$325.00 due to administrative time. Broadband Utility Partners would take care of all of the hardware for any internet connection. Trustee Nierode looked at this venture to also make the Village some money and that it was a win-win situation for the Village. Further monies may be saved by using other phone providers and eliminate bundling. A motion was made by Trustee Boehnlein and seconded by Trustee Nierode that we approve the Broadband Utility Partners Agreement with the fee schedule of \$200.00 plus one location of internet access commencing August 15th for a one-year term. Discussion took place. Atty. Antoine commented on the contract and stressed some control over our tower. The Village needs to send a copy of the proposal to the two cell phone carriers for a 30 day review per the contract. A non-interference clause exists. Clerk Mueller has been attempting to locate a contact person for each cell phone company to send the agreement to for review. Trustee Boehnlein amended the above stated motion, seconded by Trustee Nierode, that Broadband Utility Partners send us an amended agreement and send to the other appropriate other cell phone carriers wait no later than thirty (30) days and then sign the agreement for one year. The Village Board was polled: ayes - Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried. A corrected agreement will be forwarded by Mr. Herr to Clerk Mueller for distribution to the cell phone carriers.
- Operator's Licenses: Megan Zukaitis, Dalip Singh, Michael Pieper, Jr. A motion was made by Trustee Gottsacker and seconded by Trustee Nierode to approve Operator's Licenses for Megan Zukaitis, Dalip Singh and Michael Pieper, Jr. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Jamie Kleckner's Appeal reconsideration. Jamie Kleckner appeared with her employer, Patrick Bodus. Mrs. Kleckner had requested the Village Board to re-vote on her appeal as a full board was not in attendance at the meeting when her appeal was heard. Mrs. Kleckner had a concern on approvals in future years if the vote tonight was not favorable. A motion was made by Trustee Gottsacker and seconded by Trustee Nierode to reconsider the appeal for Jamie Kleckner's Operator's License. The Village Board was

polled: ayes – Thiel, Boehnlein, Kowalkowski, Nierode, Gottsacker; noes - Wilkowski, Ritter. Motion carried.

Discussion took place. Atty. Antoine noted that areas of concern were a misleading application and a third OWI offense in December which was just a matter of a few months after she had been denied and granted an appeal by the board. A motion was made by Trustee Gottsacker to approve the appeal and issue an Operator's license. Motion died to lack of a second.

- Appeal – Operator's License – Sara Schanen. Sara Schanen was in attendance with her employer Patrick Bodus. Her violation of closing hours took place in the City of Port Washington in November, 2009. She was off duty at the time and explained her circumstances. A motion was made by Trustee Boehnlein and seconded by Trustee Nierode to accept her appeal and issue her a license. The Village Board was polled: ayes – Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – Thiel. Motion carried.

Atty. James Korom entered at 8:00 p.m.

- Building Inspector:
 - Status - 306-308 E. Redding Circle – lot clean-up/erosion control. 306 E. Redding Circle is the only property in question. Clean up of bricks, etc, is needed for that address. Building Inspector Kison is to write a letter to Mastercraft to clean this up. Occupancy Permit date of issuance applies to grass planting (1-year) and hard surface driveways (3-years).
 - Curb break-up at 239 E. Redding Circle. Discussion took place on how to repair. Affordable remedies were discussed. The responsibilities of curb maintenance, repair and replacement were reviewed. Former Trustee John Thiele had questioned this procedure in the past. Curbing with the project for South Avenue and Victory Street was being installed by the Village as to bill the resident(s), the Special Assessments needs to be reopened. Building Inspector, Roger Kison, reviewed how Cedarburg treats these issues. Atty. Antoine indicated that, after checking with other municipalities and every municipality treats these issues differently. This topic is to be referred to the Streets and Electric Committee for further deliberation on repealing, change or enforce this ordinance going forward with recommendation back to the Village Board. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel that we, the Village, continue with the repairs on the South Street and Liberty Street Project at our cost with regard to curbs and that we repair the curb at E. Redding Circle location at the least cost to the Village and send the ordinance to Streets and Electric Committee to make a proposal. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode; noes – Gottsacker; abstain – none. Motion carried.
 - Ordinance #19-10 – Ordinance Repealing and Recreating §35-12 of the Code of the Village of Belgium, Ozaukee County, WI (Bidding Procedure). Atty. Antoine noted that this was a housekeeping procedure. A motion was made by Trustee Thiel and seconded by Trustee Ritter to adopt Ordinance #19-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
 - Ordinance #20-10 – Ordinance Amending §§168-11, 168-10.C, 168-21.A and 168-21.F of the Code of Ordinances of the Village of Belgium, Ozaukee County, Wisconsin (Improvements, Preliminary Plat, Final Plat). Atty. Antoine noted that he was bringing our ordinance into the new state timeline. A motion was made by Trustee Ritter and seconded by Trustee Boehnlein to adopt Ordinance #20-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, and Gottsacker. Motion carried.

Miscellaneous Matters:

The following matters will be discussed and possible action taken:

- Status – Heritage Park
 - Heritage Park Subdivision – sinkhole status. The inspection costs are the one stumbling block remaining in regards to approval of the Settlement Agreement. The estimate was \$2,500.00 per week for inspection fees. Trustee Boehnlein suggested that we split the inspection fee which was submitted by Atty. Antoine to the Ansay's legal counsel. President Kowalkowski noted that he had received resident telephone

calls not to pay for inspection fees. Litigation may take place if this is not resolved. Atty. Antoine suggested getting this behind us. A motion was made by Trustee Boehnlein and seconded by Trustee Nierode that we accept the Settlement Agreement from Mike-John Investments, LLC and the Village of Belgium. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried. Atty. Antoine recommended a Pre-Construction Meeting take place.

- Juliane Demge – Land. President Kowalkowski had received an email on July 20, 2010 wanting to know if the Village would be interested in buying the land from her for almost cost. She understood that the disposal plant is going to need to be expanded in the future. Discussion took place. No need for additional land for the Wastewater Treatment Plant was noted. A motion was made by Trustee Wilkowski and seconded by Trustee Boehnlein to write a letter back that we have no interest in purchasing the land as a Village. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.

Atty. Antoine left the meeting at 8:53 p.m.

- Closed Session:
 - A motion was made by Trustee Thiel and seconded by Trustee Boehnlein to convene to Closed Session per §19.85(1)(c) employee performance evaluation data and per §19.85(1)(g) regarding conferring with legal counsel at 8:53 p.m. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
 - The Village Board reconvened to open session at 10:19 p.m.
 - Action relative to closed session – none
- Appointment of Substitute Election Inspectors.

A motion was made by Trustee Thiel and seconded by Trustee Nierode to appoint Andrea Sparrow and Dorothy Weyker as Substitute Election Inspectors. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Policy – Voicemail. Discussion and clarification took place. A motion was made by Trustee Wilkowski and seconded by Trustee Ritter to approve the Voicemail Policy as written with the exception of adding the word “Village” between to and landline in the second paragraph. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Policy – Salaried Personnel Sick Leave and Vacation Tracking. Discussion took place. A motion was made by Trustee Boehnlein and seconded by Trustee Nierode that we approve the Salaried Employee Vacation and Sick Leave Tracking with the amendment that report any time off report to the Treasurer and the Clerk and both Administrative Assistants via email. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Policy – Minutes. President Kowalkowski did not supply a copy of the Policy for Minutes for distribution. Tabled until next month.
- Administrative Assistant hours. Proposed Administrative Assistant Schedule: Sherri Erickson Monday through Friday 8 a.m. – 12 noon and Katie M. Kowalewski from 12 noon to 5 p.m. Monday through Friday until October 11, 2010. President Kowalkowski, with noted that Mary Ellen Sprader off of unemployment. Jamie Cecil noted that Mary Ellen received her last payout on August 2. A history of the full-time Administrative Assistant hours extensions were reviewed. Trustee Boehnlein sees the two part-time positions as a benefit. The two positions provide a cost savings to the Village. A motion was made by Trustee Thiel and seconded by Trustee Boehnlein to approve the Administrative Assistant schedule. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Clerk/Deputy Clerk Treasurer and Treasurer/Deputy Clerk laptops. Trustee Boehnlein questioned the amount of 250 GB of hard drive. Storage would be on the server. The Tree Board laptop was questioned. An additional computer will be in the outer office and the other would be used at the wastewater treatment plant. A quotation on a DELL Latitude E6510 was obtained for the Village Clerk and Treasurer. Cost: \$1,759.00 each. A wireless router was questioned. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve two DELL Latitude E6510 laptop computers and get the Village

Hall set up with wireless access. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.

- IT Services – Patheon Consulting. Neil Anderson and Jamie Cecil sought out information for IT Services. They are recommending Patheon Consulting of Plymouth, WI. Ozaukee County will be used for all IT services at \$50.00/hour for normal technician and \$75.00/hour for senior technician. For any major problem Patheon Consulting would be contacted. Their rate is \$90.00, no minimum charge, no trip/mileage fee, no contracts, no monies up front. Discussion took place. A motion was made by Trustee Boehnlein and seconded by Trustee Ritter to use Patheon Consulting when Ozaukee County is not available. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Memo of Understanding with Ozaukee County RE: SVRS. Clerk Mueller noted that this Memo of Understanding is necessary as Ozaukee County is our Election provider to SVRS (Statewide Voter Registration System). Clerk Mueller noted that we already do save funds by copying information. A motion was made by Trustee Ritter and seconded by Trustee Boehnlein to approve the SVRS agreement with Ozaukee County. The Village Board was polled: Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.
- Status – Insurance renewal bid. President Kowalkowski reported on health insurance quotations received via Stephen L. Werner & Associates. Currently we are with Humana at a monthly cost of \$5,225 per month. It has increased to \$6,033 per month. United Health Care premium was quoted as \$5,003.00 per month and Trilogy was at \$4,436.00 per month. United Health Care and Trilogy were being considered and employees were requested to complete application forms. The new hospital in Grafton is included.

Clerk Mueller reported that two quotations were returned for Property & Liability and other insurance overages. A. N. Ansay & Associates, Inc. (Continental Western) and R & R Insurance (League of WI Municipalities) were the only companies who returned a proposal. Ansay was willing to do a 5% decrease and work with the Village for a change to a January 1 renewal date. Several insurance companies would not quote due to dates and they could not quote out that far. One company would not quote us due to the number of claims we have had.

- Truck route. Trustee Gottsacker reported that the Streets and Electric Committee discussed the Truck Route and anything going to the Industrial Park should go there via Jay Road to Hwy KW (N. Middle Road). Also a recommendation was made to the Village Board that we stop snowplowing or doing any responsibility to the eyebrow on N. Middle Road. The existing residents should get ownership of the eyebrow. The Village has no responsibility for this area. Trustee Boehnlein questioned the truck route relative to Ozaukee County as it is a county road. She also questioned if Jay Road is built appropriately to handle the weight. Jay Road is a Town Road. W. Silver Beach Road is owned to the centerline by Gasser and Jacoby and needs further investigation. Daniel Birenbaum is to check into this and report at the next Village Board.

Staff Reports – Opportunities, concerns, issues, etc.:

- Clerk/Deputy Treasurer Input: Nothing
- Treasurer/Deputy Clerk input: Treasurer Cecil presented a memo regarding her studies at UW-GB Treasurer's institute. Online payments were discussed as well as electronic billings. Fees may be a deterrent for residents to use the equipment. Credit card fees we will have to pass on.
- DPW & Water Superintendent Input: Saturday they tried blowing the sirens for the parade and the sirens did not work. Jeromy Nickelsen from Lakeside Foods called Danny several times relative to the smell issue.
- Wastewater Superintendent Input:
 - Wastewater Convention in Wisconsin Dells, WI for Neil R. Anderson and Paul L. Bley October 19-22, 2010. Information will be available for the next Sewer and Water Committee meeting.
 - ECMAR DNR response. We are performing well per the DNR.

Committee Reports – Discussion and action taken at previous meetings, future agenda items and up-coming scheduled meetings:

- Discussion of Possible Committee Name Changes. President Kowalkowski noted name changes in the Ordinances verses what they are currently named. He would like the Village Board to review and think about.
- General Government, Finance and Personnel Committee: Trustee Wilkowski reviewed the last committee meeting. A Preliminary TIF Budget lent to questions so Paul Corson, CPA has been invited to the next meeting will be scheduled for August 30th, 5:30 p.m. Room Tax was discussed. Kenny Kumar, representing his parents who own The Regency Inn, lives out of state and requests to meet with the General Government, Finance and Personnel Committee.
- Protection of Personnel and Property Committee: Nothing
- Health and Sanitation Committee: Nothing
- Sewer and Water Committee: Nothing
- Streets and Electric Committee: Trustee Gottsacker noted that he had a Main Street Meeting with electric, cable, etc. regarding buying or rerouting. WE Energies put the lift station in the middle of the Village thus limiting what they can do. Further meetings are to take place. Widening the road three feet and identifying the bike path is under consideration. Areas throughout the Village would have to be evaluated. Donald Weyker has issued his third complaint to Trustee Ritter on a street light pole on Park Street. A letter is to be written.
- Parks, Recreation, and Forestry Committee: The Lions Concession Stand construction will start on Wednesday.
- Plan Commission: Nothing
- School District Report: Trustee Thiel reported on up-coming meetings.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker noted that he will continue to participate in the Mid-Moraine Legislative Meetings. The next dinner meeting is on August 25th at Nisleit's Country Inn. It is sponsored by the Village of Fredonia. Clerk Mueller is to be noted.
- Tree Board Report: Put an ad on the website. Village residency requirements are to be looked at for all positions.

Finances:

- Approval of payment of bills: Questions were heard on a variety of bills. A motion was made by Trustee Thiel and seconded by Trustee Nierode to approve the payment of bills. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – none; abstain – none. Motion carried.

Other:

A Sewer and Water Committee should meet soon as water looping needs to be discussed.

Government emails were discussed as outlined in The Municipality. Trustee Gottsacker questioned their emails to Village emails as they are public records. Open meeting law violations over the internet were also noted by Trustee Thiel.

Adjourn:

A motion to adjourn at 11:38 p.m. was made by Trustee Gottsacker and seconded by Trustee Boehnlein. The Village Board was polled: ayes – Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes – Thiel; abstain – none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC
Village Clerk/Deputy Treasurer