

Regular Village Board Meeting – July 12, 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 7:02 p.m. In attendance were Trustees Jeffrey Thiel, Vickie Boehnlein, Eric Wilkowski, Jeffery Ritter, and Clem Gottsacker; absent: Trustee Robin Nierode. A quorum was declared established. Also in attendance were Atty. Gerald H. Antoine, Daniel E. Birenbaum – DPW & Water Superintendent, Neil R. Anderson – Wastewater Superintendent, Robert Andrzejewski, Joan Gottsacker, Matthew J. Greely, P.E. – McMahon, Joe Woleske – Woleske Construction, Bryan Lund, Ronald Weyker, Dan Herr – Broadband Utility Partners, Patrick Bodus and Jamie Kleckner (7:06 p.m.), Roger Rachuba (7:07 p.m.), Roger Kison – Building Inspector (7:29 p.m.), Skip Schueller (7:29 p.m.), Carol Pomeday – The Ozaukee Press (7:53 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 not be a closed session during this meeting.

Approval of Minutes:

- Regular Village Board June 14, 2010 – A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to approve the minutes of June 14, 2010. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Ritter, Gottsacker; noes – none; abstain – Kowalkowski. Motion carried.
- Joint Meeting of the Village Board, Town Board and the Belgium Fire Department – June 15, 2010 - A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve the minutes of the Joint Meeting of the Village Board, Town Board and the Belgium Fire Department of June 15, 2010. The Village Board was polled: ayes – Thiel, Boehnlein, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – Wilkowski. Motion carried.

Announcements/Input:

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

- Presentation – Ronald J. Weyker. Trustee Clem Gottsacker presented former Village Trustee Ronald Weyker with a plaque from the Mid-Moraine Municipal Association honoring him on his past service.
- Lakeside Food Issues/Input: In an email, Jeromy Nickelsen noted: “We have gone another month with zero call to the Lakeside Hotline. We have been performing numerous adjustments to our treatment system at the plant, which is designed to reduce the amount of dirt/sand that gets out to our lagoons. We will also be receiving a quote within the next week or so for a solids settling system that will be designed to take water from our aerated lagoon and continuously pump the waters through the solids settling system so that the majority of the solids settle out into this system instead of in the bottom of the lagoon. This will create cleaner water, of which will be ideal for use at our unaerated lagoon that is on the eastern section of our property. We are also removing all of the weeds from the berms of the lagoons as well as in the unaerated lagoon bottom now that it is empty and the weeds are growing. Our processing season began this past week and our desire will be to use the old lagoon as little as possible. Some other alternatives are being investigated and will be commented on if they become potentially beneficial for our use.”

- Building Inspector Input:
 - Status – 306-308 E. Redding Circle – lot clean-up/erosion control. Clerk Mueller was requested to contact former Building Inspector, Frank Mayer, for the status of this property.
- Engineering Input:
 - Status – South Avenue & Victory Street Sanitary Sewer & Storm Sewer Relay. Matthew Greely reported that the project is on schedule and thus far uneventful. Five or six laterals were PVC and were not replaced unless they were defective. Cross connections were found. Inflow is to be monitored in wet times.
 - Change Order – South Avenue/Victory Street. No Change Order tonight as this project was bid on unit price contract. The Village Board was referred to the information with Payment #1 below. Matthew Greely would like to do one change order at the end of this project. At this point the estimate for a change order would be (\$19,274.00). Discussion took place. No action was necessary at this meeting.
 - Payment #1 – Woleske Construction. Matthew Greely reviewed Certificate for Payment #1 for Woleske Construction in the amount of \$122,947.06. The time line was checked with the contractor, Joe Woleske. If the weather remains good, by the end of next week, all the pipe should be done. Concrete curbing, asphalt and landscaping restoration to follow. A motion was made by Trustee Thiel and seconded by Trustee Boehnlein to approve the payment of \$122,947.06 to Woleske Construction. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried. Trustee Wilkowski questioned Matthew Greely, P.E. about the estimated quality of pipe burst.
 - Bid Award – Main Lift Station Improvements. Matthew Greely summarized this project. McMahon is recommending this contract. The low bidder for this project was J. F. Ahern Company at \$218,600.00 less a change order of (\$21,290.00). The change order would consist of 1) Delete backfilling of existing headworks area with sand and covering with a concrete slab (-\$4,127.00); 2) Delete two (2) motor operated valves and ductile iron piping from existing jockey pumps to EQ tank and provide Schedule 80 PVC discharge piping without the valves (-\$7,844.00); and 3) Miscellaneous electrical/control deductions (-\$9,319.00). Explanation was given for the detail of each of the aforementioned items. President Kowalkowski would like to see breakdowns for miscellaneous items. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to approve a bid of \$218,600.00 with a change order deduction of (-\$21,290.00) awarding to J. F. Ahern Company for the Main Lift Station Improvement. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.

Roger Kison and Skip Schueller entered the meeting at 7:29 p.m.

- Heritage Park Restroom Concession Stand Materials Bids. Daniel Birenbaum noted that more quotes are needed for metal doors and is working with the Parks, Recreation and Forestry Committee. Building Inspector Roger Kison indicated that a fee for the Electrical Permit was required but he would not charge for the Building Permit.

Action Items:

- Operator’s Licenses. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve all of the Operator’s Licenses (Megan M. DeMaster, Bobby Lopez, Jonas N. Maynard, Michael R. Miller, Brittanie K. Paulus, Cassandra M. Pierog, Susan M. Samson, Angela C. White) with the exception of Angela C. White and that we follow the same procedure as we did last month with the one that had an hours violation where we requested the date and if it is within the last year we look at it next month and if not, it is approved. The Village Board was polled: ayes - Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.
- Denied Operator’s License Appeal – Jamie Kleckner. Atty. Antoine recited the history of this issue. As Jamie Kleckner incorrectly completed her Operator’s License Application and a subsequent OWI violation, the Village Board denied her an Operator’s License at the June 14th meeting. The Village had issued her a letter of denial with her appeals rights. Ms. Kleckner had requested an appeal. Patrick Bodus, Ms. Kleckner’s employer, Patrick Bodus of the Belgium Community Center, had accompanied her to this hearing.

Ms. Kleckner acknowledged her error in completion of the application form as she thought it only reflected alcohol related convictions. A records check also shows a third OWI offense in 2009. Ms. Kleckner indicated that she does not drink on the job. Mr. Bodus concurred and encouraged the Village Board to issue Ms. Kleckner a license as she is an excellent employee. Trustee Ritter indicated that having an OWI has a direct correlation to being a bartender. Questions and discussion took place. A motion was made by Trustee Gottsacker and seconded by Trustee Thiel to approve an Operator's License on appeal to Jamie Kleckner based on her statement and Mr. Bodus' opinion. The Village Board was polled: ayes – Thiel, Gottsacker, Kowalkowski; noes – Ritter, Wilkowski, Boehnlein. Motion fails. Atty. Antoine outlined the second appeal. Another notice will be sent to Ms. Kleckner outlining a second appeal. Village Trustees expressed their concerns and views.

- Resolution #16-10 – Resolution to borrow from the Trust Funds of the State of WI the sum of \$600,000 for the purpose of financing sanitary sewer relay and lift station upgrade. Trustee Wilkowski noted that a fixed interest rate of 5.25% for 20 years exists with no prepayment penalty. We have 105 days to determine the amount we want to draw. If we pull after September 15, 2010, the first payment will be March 15, 2012 and the last payment is March 15, 2030. The loan is calculated as a \$600,000 loan but we do not have to pull the entire amount of the loan. Trustee Thiel introduced Resolution #16-10 – Resolution to borrow from the Trust Funds of the State of WI the sum of \$600,000 for the purpose of financing sanitary sewer relay and lift station upgrade. A motion was made by Trustee Boehnlein and seconded by Trustee Wilkowski to adopt Resolution #16-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.
- Election provider. Clerk Mueller noted that the company for our election machine needs to be changed to Dominion Voting Systems, Inc. Mueller provided the background as why the change is needed. The company will provide Premier Voting Equipment System products service and part for our OCS and TSX election machines. Discussion took place. A motion was made by Trustee Boehnlein and seconded by Trustee Ritter to approve changing our provider to Dominion Voting Systems, Inc. for Premier Voting Equipment, services and parts. The Village Board was polled: ayes – Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – Thiel; abstain – none. Motion carried.
- Resolution #17-10 – Resolution Amending Resolution No. 15-10 Establishing Sewer Service Charges. Trustee Thiel introduced Resolution #17-10 – Resolution Amending Resolution No. 15-10 Establishing Sewer Service Charges. A motion was made by Trustee Wilkowski and seconded by Trustee Gottsacker to adopt Resolution #17-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.
- Resolution #18-10 – Final Resolution for South Avenue/Victory Street special assessments. Trustee Ritter introduced Resolution #18-10. A motion was made by Trustee Boehnlein and seconded by Trustee Gottsacker to adopt Resolution #18-10 with interest starting on September 1st at 5.25%. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.

Miscellaneous Matters:

The following matters will be discussed and possible action taken:

- Status – Heritage Park
 - Heritage Park Subdivision – sinkhole status. A series of correspondence regarding this topic was distributed to the Village Trustees. Atty. Antoine noted the interaction between the Ansay's legal counsel and himself including the reduction of the Letter of Credit and their request to void with the Subdivider's Agreement. He further indicated the existing issues with the proposed resolution. Discussion took place regarding inspection and the proposed repair. The question of who will pay for the repair was also discussed.
- Status – Insurance renewal bid. July 30 is the bid due date. Clerk Mueller is providing information as requested.
- Status – Heritage Park Concession Stand. Bids are being sought for the metal doors.
- Status – Eyebrow – North Middle Road. Bryan Lund was in attendance. Three residential properties exist at the frontage of the eyebrow. Mr. Lund would like to see a formal agreement developed for snow removal and street maintenance on a private road where residential properties exist. Dimension of the eyebrow was discussed. President Kowalkowski noted that in order to take this over, it would have to meet all roadway

requirements of the Village. This topic was referred to the Streets and Electric Committee with recommendation to the Village Board.

- Status – Bike path from Belgium Fire Department to parking lot to the Ozaukee County Interurban Trail. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve the proposal for paving the bike path from Ozaukee County Highway Department. Daniel Birenbaum received two quotes for paving and did compare costs to budget. Poblicki Paving Corporation's quote was for \$4,686.00 and Ozaukee County Highway Department's estimate came in at \$1,768.00. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve the estimate for paving from Ozaukee County Highway Department for the bike path from the firehouse to the Ozaukee County Interurban Trail in the amount of not to exceed \$1,768.00. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.
- Status – Dog Fostering – Robert & Joyce Andrzejewski (re: March 8, 2010 minutes) (postponed from June meeting): Discussion took place on the number of dogs allowed. Trustee Boehnlein noted that dogs over 5 months need to be licensed. Usually puppies are fostered for three to four months. He wanted to know what to do to continue to foster dogs. He will come back for permission as the opportunity arises.
- Broadband Utility Partners Agreement. Dan Herr was in attendance and rather upset that Trustee Nierode was not in attendance. Trustee Nierode was not in attendance due to a family issue. Mr. Herr was promised that his topic would be placed first on the next agenda.
- Village Marshal position. Trustee Wilkowski interviewed the two (2) candidates for the Village Marshal position as the General Government and Finance Committee was canceled due to a lack of a quorum. Trustee Thiel questioned the authority that one Trustee would have to perform an interview. Atty. Antoine and the League of WI Municipalities legal counsel both indicated that he could perform interviews as an individual. Trustee Wilkowski indicated that he also performed an Exit Interview with our former Village Marshal and he had a list of things that may help the Village. Six of the applicants resided outside of the Village limits with two candidates living in the Village. Trustee Wilkowski gave an overview. Trustee Wilkowski recommended Candidate A as a turnover would probably not take place in the next 18 months. Both were qualified candidates. Discussion took place. A motion was made by Trustee Ritter and seconded by Trustee Boehnlein to offer the position of Village Marshal to Candidate A. The Village Board was polled: ayes – Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – Thiel; abstain – none. Motion carried.

Atty. Antoine left the meeting at 9:08 p.m.

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

- Clerk/Deputy Treasurer Input: None. President Kowalkowski stated that Clerk Mueller knew of the Workhorse training. Clerk Mueller indicated that she did not know about the training.
- Treasurer/Deputy Clerk Input: Jamie Cecil will be attending the Treasurer's Institute July 11-16. The new "Miscellaneous Billing Software" was installed by John Gasper. We are now using all modules of Workhorse. Transportation Aid of \$11k has been received. Discussion took place as to the lack of information on the Treasurer's training at the Treasurer's Institute.
- DPW & Water Superintendent Input: Nothing
- Wastewater Superintendent Input:
 - Authorization to attend the Wastewater Convention in Wisconsin Dells, WI for Neil R. Anderson and Paul L. Bley – October 19-22, 2010. This is budgeted. A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to pursue his schooling request. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Ritter, Kowalkowski, Gottsacker; noes – none; abstain – none. Motion carried.

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

- General Government and Finance Committee: Nothing. A meeting will be forthcoming.
- Protection of Personal and Property Committee: Nothing

- Health and Sanitation Committee: Nothing. Trustee Thiel expounded on garbage pick-up over the holidays.
- Sewer and Water Committee: Trustee Nierode was not in attendance.
- Streets and Electric Committee: A meeting is scheduled for July 19th, 6:30 p.m. The eyebrow will be added to the agenda. President Kowalkowski has asked Daniel Birenbaum to start gathering quotes for burying all of our overhead telephone and cables lines for 2013 when they do Main Street. A meeting is being established to meet with WE Energies and Trustee Gottsacker will be invited to the meeting.
- Parks, Recreation, and Forestry Committee: Nothing
- Plan Commission. Building Inspector Roger Kison was introduced. Trustee Ritter hopes that follow-up on inspections takes place. He also questioned the code book.
- School District Report: Trustee Thiel noted that there will be a School Board Meeting on Wednesday at 7 p.m. with a 6 p.m. walk through of district buildings and grounds. Contracts were being approved for a High School Band Director, and Head Soccer Coach. The Administrators received a 3.8% raise on average with some receiving 4 to 5% increase in salary.
- Mid-Moraine Municipal Legislative Committee Report: None
- Tree Board Report: The Tree Board is not active due to not having an Chairperson. Roger Rachuba may accept the position. Discussion took place that the Tree Board could be combined into the Parks, Recreation and Forestry Committee. Advertisement will take place. Clerk Mueller noted that the Tree Board is enacted by an ordinance thus an ordinance change needs to take place with an ordinance change. Concern was expressed about the previous chairperson bad mouthing the Village Board.

Finances:

- Approval of payment of bills:
 - Port-a-John Invoice. Handled by Treasurer Jamie Cecil and credit given. A motion was made by Trustee Thiel and seconded by Trustee Gottsacker to pay the bills upon availability of funds. Discussion took place relative to “upon availability of funds”. Trustee Thiel withdrew his motion. A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve the payment of bills. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.

Other:

President Kowalkowski reported that he received a complaint that Trustees are spending too much time in the office and speaking with Clerk Mueller. Clerk Mueller has noted that she has had a 35% increase in workload since the position split and President Kowalkowski requested Trustees to only come to the office for business.

Adjourn:

A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to adjourn at 9:28 p.m. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Gottsacker; noes – none; abstain – none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC
Village Clerk/Deputy Treasurer