

Regular Village Board Meeting – March 8, 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 P. Kowalkowski called the meeting to order at 7:04 p.m. In attendance were Trustees Jeffery Ritter, Eric Wilkowski, Clem Gottsacker; absent: Trustee Ronald Weyker. The seats of former Trustee John Thiel and Dale Pfeifer remain vacant. A quorum was declared established. Also in attendance were Daniel E. Birenbaum – DPW & Water Superintendent, Jamie L. Cecil – Treasurer/Deputy Clerk, Frank Mayer – Building Inspector, Carol Pomeday – The Ozaukee Press, Jeffrey Thiel, Christopher Schmidt, Dale Peiffer, Tom Skonieczny, Larry Folz, Kent Jones, James Duerrwaechter – Mastercraft Builders, Roger Rachuba (7:07 p.m.), Joan L. Gottsacker (7:11 p.m.), Dr. Ty Wade, President – Belgium Area Chamber of Commerce (7:12 p.m.), Robert Andrzejewski (7:20 p.m.).

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 not take place this evening.

Approval of Minutes:

- Minutes – February 8, 2010. A motion was made by Trustee Ritter and seconded by Trustee Wilkowski to approve February 8, 2010 minutes. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, 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 Gottsacker to move agenda item 9)c) Status – Street light removal to before 7)a) Building Inspector Input. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.

- Status - Street Light Removal. Trustee Ritter referenced minutes of the last Streets & Electric Committee held February 22, 2010, and an email sent by President Kowalkowski related to a telephone conversation with Larry Folz. Discussion followed. Trustee Ritter noted that some lights could be put back up. A light at 113 Elm Street was reinstalled by WE Energies without Village approval at a cost of \$434.39. This light was more costly as overhead wiring for power had to be reinstalled. Lights also discussed were located at 843 Main Street and 608 Main Street. They would cost \$289.00 each to reinstall. A light at 421 Park Street would cost \$289.00 plus an estimated \$1,800-\$2,000 pole reinstallation as WE Energies had removed the pole. Daniel Birenbaum suggested that a pole be moved over on Park Street and have a higher wattage light fixture. Trustee Wilkowski clarified the intent of the Streets and Electric Committee's motion to refer this item back to the Village Board. Further discussion took place. Safety and budgetary issues were noted by Trustee Wilkowski. Cost concerns were aired by Trustee Gottsacker. A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve reinstallation of street lights at 113 Elm Street, 843 Main Street and 608 Main Street at a cost of \$1,013.00. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried. Jeffrey Thiel noted that the Village of Belgium is paying for street lights at the on and off ramps at I-43. He thought that we should cut the lighting. Thiel also questioned that street lights on North and South

Royal Avenue as to why they were not cut. Daniel Birenbaum noted that to remove those lights would cost the Village monies due to their installation dates. Discussion took place.

- Building Inspector Input.
 - 306-308 E. Redding Circle. Frank would look at this site tomorrow. As ice and snow still exists, this property will be monitored.
 - Mr. Mayer reported that there were 9 permits and one new house with a value of \$150,000.00. A flyer was presented on new lead paint and asbestos rules.
- Belgium Area Chamber of Commerce Input: Chamber of Commerce President, Dr. Ty Wade, D.C. was in attendance. The Chamber of Commerce would like to reconnect with the Village and create a better relationship with the Village Board. Trustee Clem Gottsacker serves as the Chamber Vice President. Dr. Wade stressed development of tourism – the Ozaukee County Interurban Trail, Harrington Beach State Park and Luxembourg American Cultural Center. A project of the Chamber is a Welcome Center Kiosk with suggestion of location close to I-43. The Chamber of Commerce is looking to do more fund raising in lieu of requests of funding for projects from the Village. Lasting Impressions Program, through UW-Sheboygan County, matches like Chambers of Commerce. Each Chamber critiques each other's municipality. Dr. Wade is looking to develop a more dynamic Chamber than in the past. Dr. Wade would like a liaison from the Chamber in addition to Trustee Gottsacker to give a brief report.
- ESLS – Amy Rachuba. Roger was in attendance for Amy. “The Village and Town of Belgium, and the Town of Saukville have approved the resolution. Town of Fredonia has postponed action on the resolution at its meeting in February. Town of Port Washington did not approve the resolution in March. Village of Grafton postponed action on a resolution, in order to draft one that would address concerns about meeting the exemption requirement. Town of Cedarburg will act on a resolution March 17. While the County Library Tax only is paid by the non-librariated communities, some of the librariated communities (Mequon and Grafton) are concerned about the exemption rate. The Ozaukee County Board is hoping to have all the information and feedback by May or June.”

Action Items:

- Employee Deductible Reimbursement. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to approve the \$809.91 reimbursement requested for services requested from 12/1/09 through 12/31/09. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Operator's License: Megan T. Peiffer. Discussion took place relative to Ms. Peiffer's underage drinking record. Atty. Antoine provided information to the Village Board relative to licensing. Discussion took place. A motion was made by Trustee Wilkowski and seconded by Trustee Gottsacker to deny a license to Megan T. Peiffer because of the underage drinking violation which was nine months ago. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Juvenile Diabetes Event. A motion was made by Trustee Ritter and seconded by Trustee Wilkowski to approve the American Diabetes Association's event on June 19, 2010, (Tour de Cure) use of Bares Park. Discussion took place relative to the use of the park. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Agreements for Professional Services with McMahon:
 - McM B0002-990439 – Bidding & Construction Phase Service for Main Lift Station Improvements. Trustee Wilkowski noted additional information relative to this project. A motion was made by Trustee Wilkowski and seconded by Trustee Gottsacker that we approve the agreement for McM B0002-990439 for the Bidding & Construction Phase Service for Main Lift Station Improvements. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
 - McM B0002-900240 – South Avenue and Victory Street Sanitary Sewer Relay and Storm Sewer; North Street/Elevator Lane Dry Detention Pond Design and Bidding Services. Trustee Wilkowski noted additional information relative to this agreement. Discussion took place. Concern was expressed for the storm sewer piping condition on South Avenue. Daniel Birenbaum stated that they televised the pipe last Thursday and Friday and discovered that the pipe is in poor condition. Discussion took place. It was decided to delete South Avenue Alternative Storm Sewer Options Evaluation for \$5,000 and North Street/Elevator Lane Storm Water (Phase 1) Design for \$15,000

from this Agreement for Professional Services for McMahon. A motion was made by Trustee Gottsacker and seconded by Trustee Wilkowski to approve the agreement with the following modifications to the agreement. The valuation would be removed for South Avenue Alternative Storm Sewer Options Evaluation and the Phase 1 Design for North Street/Elevator Lane Storm Water. The revised total sum of \$36,500.00 exists for the Engineering Fee. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.

- Arbor Day Proclamation – Jamie Cecil. President Kowalkowski made a Proclamation of April 24, 2010, as Arbor Day, in the Village of Belgium
- Ordinance #2-10 – Ordinance Amending the Code of Ordinances of the Village of Belgium, Ozaukee County, Wisconsin, to Change All References from ‘Village Clerk-Treasurer’ to either ‘Village Clerk’ or ‘Village Treasurer’. A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve Ordinance #2-10 - Ordinance Amending the Code of Ordinances of the Village of Belgium, Ozaukee County, Wisconsin, to Change All References from ‘Village Clerk-Treasurer’ to either ‘Village Clerk’ or ‘Village Treasurer’. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- WRWA Consolidated Group Safety Management Agreement. A representation from Wisconsin Rural Water Association, a Village Trustee and DPW Director from Oostburg attended the last Sewer and Water Committee Meeting to give a presentation on the Consolidated Group Safety Management Program. Monies had been budgeted for safety training. The first year cost is \$3,500.00. Phase #3’s cost is dependant on the class presented. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to approve the Consolidated Group Safety Management Program enrollment of Phases #1 and #2 at a total cost of \$3,500.00. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Computer purchase – Village Garage #1 (replacement). Daniel E. Birenbaum needs a new computer for Village Garage #1. The current computer is not working well. Daniel had obtained two (2) quotes from Dell, Inc. The non-government purchase was less expensive and had a cost of \$869.00 (DELL Vostro 220 Mini Tower). Discussion took place. Roger Rachuba, who works for IBM, indicated that we could purchase a computer at a much lesser amount. Roger Rachuba was asked to assist in this purchase. A motion was made by Trustee Wilkowski and seconded by Trustee Gottsacker to spend no more than \$500.00 for a new computer for the Village Garage. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.

Miscellaneous Matters:

The following matters will be discussed and possible action taken:

- Status – The Ardennes II - Sidewalks. Clerk/Deputy Treasurer Mueller was requested to find out recording dates of a variety of plats: Heritage Park 2/5/07; Ardennes II – 1/12/05; Ardennes II Addition #1 – 11/29/06. The Village Board was also supplied with a copy of Resolution #26-07 – Resolution Amending Subdivision Sidewalk Policy and excerpts of the Developer’s Agreements. James Duerrwaechter expressed his concern relative to sidewalks breakage during construction and being an added expense. Discussion took place. Daniel Birenbaum noted that MasterCraft Builders install sidewalks prior to Occupancy Permits issuance and it worked well. Ardennes has 24 in built lots out of 50 lots in the plat. Discussion on the Letter of Credit took place. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to defer sidewalk timeline to revisit it on July 1, 2011 for Ardennes and Heritage Park Subdivision. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Status – Heritage Park
 - Sinkhole Status. Atty. Antoine reviewed the history of this situation and indicated that he drafted a letter to Ansay’s attorney. Matthew J. Greely of McMahon was contacted and had suggested a compaction and density test at a cost of \$4,000 to \$5,000. President Kowalkowski spoke with Matt and in lieu of the compaction and density test one of McMahon’s inspectors will be on site. Daniel Birenbaum noted we should wait another month to see what happens when the frost comes out of the ground. Topic tabled until April.
 - Sidewalks. Already discussed.

- Adding cost of background checks to alcohol fees. Clerk/Deputy Treasurer Mueller has done some search on the Clerk's Network regarding the fee for records checks. It is done both ways – some add it to the fee and some a separate fee. Some municipalities charge a background check. Atty. Antoine noted that this could be included in a fee for all except the Provisional Operator's License. The pros and cons were discussed. Application fees were also discussed. Clerk/Deputy Treasurer noted an application fee would be cleaner cut item and easier to define. Possible fees were discussed. A TIME records check would have to be performed by a law enforcement offices but a CIB check would be different. Clerk/Deputy Treasurer Mueller is to recheck with the Clerk's Network to see how much time it takes to perform a CIB check.
- Insurance renewal bid status. The Insurance Request for Proposal is completed but updated numbers are needed for building and contents. Ansay & Associates, Inc. has been approached with this request. We need to get new numbers and a complete inventory in order to obtain a proper price quote from potential vendors.
- Office Hours. In an effort to better serve the community, a starting time of 8 a.m. and closing time of 5 p.m. with a one hour lunch was proposed for Village Hall hours. The Office Staff would work out a schedule that two people are in the office at all times. These hours are the average times for most municipalities. Ozaukee County has the same hours and Election Deadlines are usually at 5 p.m. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to approve the new office hours for the Village Hall of 8 a.m. to 5 p.m. starting April 1, 2010. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Dog Fostering – Two Paws Animal Sanctuary – Robert & Joyce Andrzejewski. Robert Andrzejewski requested to exceed the dog limit of three dogs. He and his wife are fostering dogs for Two Left Paws Animal Sanctuary (Animal Rescue). They already have two dogs that they own and will foster additional dogs for a three month period. Concern was expressed regarding neighbor problems, barking, keeping dogs on their property. Zoning was discussed. Dogs are kept inside for the most part and when outside they will be supervised. Trustee Gottsacker would like to see something in writing. Lot area and fencing were discussed. Temporary fencing would be installed in spring. A trial basis was suggested. The Andrzejewski's currently have three puppies and want to take a three month Hestia. President Kowalkowski would consider this only if Andrzejewski would consider a trial period and put a cap on how many dogs they could have at one time. Discussion took place. A motion was made by Trustee Ritter and seconded by Trustee Wilkowski to approve on a trial basis a five dog limit for the dog fostering only and we will revisit this at the June Village Board Meeting. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Street Weight Limits. Weight limits had been discussed for E. Redding Circle. Heritage Park was also discussed. Daniel Birenbaum questioned the location of the weight limit signs. It was decided to post a sign at the entrance to the Ardennes Subdivision. Each sign costs \$46.00. The State of Wisconsin Standards: 6 ton limit single axle, 10 ton limit for tandem axle. Examples from our engineer were 6 ton limit single axle, 12 ton for tandem axle or more. Typical weights are: 12-yard Dump Truck Loaded with Gravel – 37 tons, 10 yards Loaded Concrete Truck – 38 tons, Empty Dump Truck 10-15 tons. Dates were discussed. A motion was made by Trustee Wilkowski and seconded by Trustee Ritter to approve going ahead and having Danny get two sign from the county stating that there is a 6 ton limit on single axle and a 10 ton limit for tandem axle from March 15 – April 30th each year. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Girl's Baseball Schedule – Cedar Grove-Belgium Schools – Trustee Weyker. Trustee Weyker was not in attendance. Daniel Birenbaum indicated that they have been using the facilities for the past two years for their fast pitch practice and games. Conflicts do not exist with the Belgium Athletic Association's schedule. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to approve the use of the diamonds to the Cedar Grove-Belgium Schools for the Girl's Baseball Schedule. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.
- Up-date 106-108 Lar-Ann Street lawsuit. Atty. Antoine reported on the status of the lawsuit. Prior to the lawsuit no response was received. Atty. Antoine needs to file a motion with the court for a judgment against them and needs input from the Village Board. Our ordinance calls for a per day forfeiture in the range of \$25 to \$1,000 per day. He can ask the judge to impose a per day penalty on them starting with the day they were served

with the lawsuit. Discussion and further legal explanation took place. The Village Board recommends charging them \$50.00 per day and giving them 60 days to correct the violation.

Attorney Antoine left the meeting at 9:24 p.m.

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

- Clerk/Deputy Treasurer Input: Nothing additional
- Treasurer/Deputy Clerk input: A Workmen's Compensation Audit is scheduled for Thursday. General Fund receipting is loaded in Workhorse Software. Jamie's goal for next month is a Budget Report. We are using five out of six packages of Workhorse Software.
 - Department report request for non-completed projects from subsequent years. This is to be revised. President Kowalkowski instructed Daniel Birenbaum and Neil Anderson to make a list of these projects.
- DPW & Water Superintendent Input: Recycling Center reopens on the first Saturday in April and go back to Wednesdays between 12:30 p.m. – 7:30 p.m.

Wisconsin Rural Water Association has informed us that we have been nominated as the Water System of the Year. Awards will be presented on March 24th in Green Bay. Daniel Birenbaum asked to attend and was granted permission to attend the event with costs being paid.

- Wastewater Superintendent Input: Neil Anderson was ill this evening. Curt Nichols of the WI DNR had responded to Neil's letter and has accepted the proposal for phosphorus removal.

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

- General Government and Finance Committee: None
- Protection of Personnel and Property Committee: Insurance Request for Proposal has been prepared. Trustee Ritter reported on a thank you letter from the Neighborhood Watch Program regarding street lighting.
- Health and Sanitation Committee: Trustee Ritter reported that Robert Andrzejewski, Recycling Manager, reported a problem at the Recycling Center whereby people are not breaking down cardboard boxes. Daniel Birenbaum was concerned on what to do with cardboard and would like a dumpster. Signage was discussed. Trustee Wilkowski would rather see curb side pick-up than a dumpster.
- Sewer and Water Committee: A meeting took place last week which was covered earlier this evening. A meeting on March 16th at 5:30 p.m. will take place with David Wagner for financial options.
- Streets and Electric Committee:
 - October 26, 2009, November 12, 2009 - Minutes were not approved as there was no existing quorum of the committee at these meetings that exist at this time. Notation is to be noted on these minutes.
 - The street light issue and crack filling service was to be discussed. A motion in committee was made that the work should not exceed \$5,000. President Kowalkowski would like to see us work far enough in advance for competitive bids. To be placed on next month's agenda for action.
- Parks, Recreation, and Forestry Committee: A meeting will take place on March 15, 2010 at 6:30 p.m.
- Plan Commission: Nothing
- School District Report: Trustee Wilkowski reported that the school district will be going to referendum on April 6th for \$6.1 million in up-grades of the Middle School and some district wide technology. The next School Board Meeting here at 7 p.m. on Wednesday.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker reported that he attended the last Mid-Moraine Municipal Legislative Committee meeting. At the February Meeting, Judge Steven Cain, was the featured speaker. A new municipal court website is being developed. The next meeting will feature a speaker from Lasting Impressions. Mid-Moraine Dinner Meeting on March 24th in Newburg.

- Tree Board Report: Jamie Cecil, Treasurer/Deputy reported that she had a conference call with Kim Sebastian of the DNR in regard to our Urban Forestry Grant. As a quorum was not present at the last Tree Board Meeting, no meeting took place.

Finances:

Approval of payment of bills: A motion was made by Trustee Gottsacker and seconded by Trustee Ritter that we approve the payment of bills. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.

Other:

None

Adjourn:

A motion to adjourn at 9:43 p.m. was made by Trustee Gottsacker and seconded by Trustee Ritter. The Village Board was polled: ayes – Ritter, Kowalkowski, Wilkowski, Gottsacker; noes – none; abstain – none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC
Village Clerk/Deputy Treasurer