

Regular Village Board Meeting – May 10, 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 7:00 p.m. In attendance were Trustees Boehnlein, Nierode, Gottsacker, Wilkowski, Ritter, and Thiel. A quorum was declared established. Also in attendance were Atty. Gerald Antoine, Neil R. Anderson – Wastewater Superintendent, Frank Mayer – Building Inspector, Kathy Anzia, Betty Bley, Nick Huettl of Applied Science for Lakeside Foods, Jeromy Nickelsen – General Manager of Lakeside Foods (Belgium), Carol Pomeday – The Ozaukee Press, Roger Rachuba (7:04 p.m.), Jamie Cecil – Treasurer/Deputy Clerk (7:40 p.m.), Daniel E. Birenbaum – DPW & Water Superintendent (7:46 p.m.), Daodie Moore and Brett Penkwitz of Home Lab Productions/HLP Management (8:10 p.m.).

Open Meeting Law Compliance Check:

This meeting is in compliance.

Pledge to Flag, Moment of Silence

Announcement of Closed Session (if any):

No closed session will take place during this meeting.

Approval of Minutes:

- April 12, 2010 – A motion was made by Trustee Wilkowski and seconded by Trustee Nierode to approve the revised minutes of April 12, 2010 as presented. The Village Board was polled: ayes –Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - Thiel, Boehnlein. Motion carried.
- April 20, 2010 - A motion was made by Trustee Wilkowski and seconded by Trustee Boehnlein to approve the April 20, 2010 revised minutes as submitted. The Village Board was polled: ayes – Thiel Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

Carol Pomeday entered the meeting at 7:03 p.m.

Roger Rachuba entered the meeting at 7:04 p.m.

Announcements/Input:

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

- Lakeside Food Issues/Input: Jeromy Nickelsen, General Manager of Lakeside Foods (Belgium) was in attendance as was Nick Huettl of Applied Science who is working with Lakeside Foods. Nickelsen was concerned about complaints from residents that he received from the Village Offices. 1) He regretted that an odor had an impact on the local residents of Belgium. 2) Learning about the concerns of our neighbors and they have begun a re-evaluation of their treatment system with the help of an environmental engineering firm. Plans are to improve the odor from their treatment system. The odor is a natural part of their treatment process; Lakeside Foods has been unhappy and unsatisfied as well with the amount of odor produced. 3) Lakeside would like to provide a telephone number as an additional resource or contact for the residents of the Village of Belgium to anonymously report odor concerns. Residents are asked to report the date, the odor strength, the odor description and their relative location in the Village and nearest cross streets to help them characterize the source of the odor in order to enforce remedial action plans. 4) Lakeside Foods will return to the Village Board with this plan of action to improve conditions, understanding that a solution is to fully be implemented this year but that is what they are working towards. It is Lakeside Foods' intent to find a long term solution for this issue and through the assistance of their environmental consultant, and the Village and themselves that is one of their top priorities. Once again they regret the inconvenience that may have been caused and Mr. Nickelsen thanks everyone for their

patience, past and present, as they work diligently to find a long term solution. President Kowalkowski thanked Mr. Nickelsen for his cooperation. He also questioned the consultant, Nick Huettl, relative to the options and evaluation. President Kowalkowski recapped a conversation with Jeromy Nickelsen regarding 2009's issues. Discussion took place. Comments and questions were heard from residents in the audience as well as Trustees. Trustee Ritter expounded on references and time lines for improvements as well as processes. A suggestion was made that use of products from Applied Biotech for their lagoons. Neil Anderson will go to Lakeside Foods bi-monthly to review the issues. A commitment date was sought for a telephone number to be initiated for concerns from Village of Belgium residents. A number will be provided this week for the Village's website and Newsletter. Trustee Gottsacker also noted some odors are agricultural in nature.

- Building Inspector Input:
 - Status – 306-308 E. Redding Circle – lot clean-up/erosion control. This property is sold and they will do the landscaping within the next week or two. A landscaper was at the site tonight spraying weeds. 306 E. Redding Circle is still being worked on.
- Belgium Area Chamber of Commerce Input: President Kowalkowski does not want this item on the agenda unless it is brought through him.

Action Items:

- Operator's License. None

Jamie Cecil entered the meeting at 7:40 p.m.

- Engineering Agreement with McMahon for CWF – Application for the 2010 Wastewater related projects. Discussion took place. A motion was made by Trustee Wilkowski and seconded by Trustee Boehnlein that we approve the Agreement for Professional Services dated May 5, 2010 for McM B0002-900280.12 as submitted. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

Daniel Birenbaum entered the meeting at 7:46 p.m.

Neil R. Anderson left the meeting at 7:50 p.m.

- Ordinance #6-10 – Ordinance Amending §191-3.D. and §191-3.E. of the Code of the Village of Belgium Ozaukee County, Wisconsin (Noise Exceptions). A motion was made by Trustee Thiel and seconded by Trustee Gottsacker to adopt Ordinance #6-10. Definition was rendered by Atty. Antoine regarding "reasonable use". The Village Board was polled: ayes - Thiel, Boehnlein, Kowalkowski, Ritter, Nierode, Gottsacker; noes – Wilkowski; abstain - none. Motion carried.
- Ordinance #7-10 – Ordinance Repealing and Recreating §35-8 of the Code of the Village of Belgium, Ozaukee County, Wisconsin (Claims [bills] against Village). Atty. Antoine interpreted the ordinance. Written policy is needed for specific bills or vendors. A motion was made by Trustee Thiel and seconded by Trustee Ritter to adopt Ordinance #7-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

Discussion took place relative to preauthorized bills. Preauthorized bills include Health Insurance Premiums (health, dental, vision, etc.), bills that offer us cash discount for early payment, utility bills (all types – Electric, gas, telephone, water/sewer, internet), payroll related items such as state and federal taxes, deferred compensation, retirement, AFLAC, debt payments, licensures for mandatory items such as DPW water and wastewater certification. A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to authorize payment pursuant to Section 35.8 (D). The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

- Resolution #8-10 - Fee Resolution. Discussion took place relative to the Application Fee for Operator's Licenses. Atty. Antoine presented a history of fees since 2004. Our recodification company recommended that we enact fees via resolution in lieu of by ordinance. Including of the new Room Tax Fee was included in this resolution. Discussion took place relative to the revised Application Fee for Operator's Licenses that had been approved at a previous meeting. Trustee Wilkowski reviewed his cost analysis

of office personnel costs to process an Operator's License. Trustee Boehnlein noted that Port Washington had a two year licensing fee for \$50.00. Putting the license fee at \$45.00 puts the business owners in the community at a great disadvantage for hiring people that need a license. Business owners hate to fill out the paperwork. Trustee Boehnlein suggested that we have a two year license. Atty. Antoine indicated that per WI Statutes Operator's License Fees must be set by ordinance. A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to switch from agenda item 8)g) to 8)e). The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

- Ordinance #10-10 – Ordinance Repealing and Recreating §35-16 of the Code of the Village of Belgium, Wisconsin, Ozaukee County, Wisconsin (Room Tax). President Kowalkowski and Atty. Antoine explained the ordinance and that you would have to have this permit to be in business as a facility that rents rooms. In reality, it is an enforcement tool to collect the Room Tax. If they do not obtain a permit, we shut down their business. To obtain a permit, all Room Tax must be current. Atty. Antoine noted that we must follow due process. A rewards system was also incorporated whereby if they comply with the ordinance, 1% of the 7% would be kept by the permit holder for their administrative fees. A motion was made by Trustee Nierode and seconded by Trustee Wilkowski to adopt Ordinance #10-10. The Village Board was polled: ayes – Thiel, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - Boehnlein. Motion carried.
- Resolution #9-10 – Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers Under Sec. 66.0703 Wis. Stats. (South Avenue & Victory Street Project). Trustee Thiel introduced Resolution #9-10. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to adopt Resolution #9-10. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.
- Resolution #8-10 (returning to this item): President Kowalkowski requested that a Village Trustee introduce Resolution #8-10. Trustee Boehnlein suggested that we table this motion until the General Government and Finance Committee looks at changing the license year to a two (2) year license. Clerk/Deputy Treasurer Mueller noted that all the license applications have been issued and a two-year license period has not been enacted at this point. Due to the timeliness needed for the license renewals, it would be very hard to change at this point for 2010-2011. The records checks would be for applicants, officers and agents. Daniel Birenbaum questioned application fees for non-profit organizations. He noted that all monies the non-profits make goes back into the community. Trustee Boehnlein questioned if they can approve all but one section of this. Discussion took place. Trustee Boehnlein recommended removal of items 10 & 12. Trustee Boehnlein introduced Resolution #8-10 removing item 10 and item 12 to be referred back to the General Government and Finance Committee for further review. Trustee Ritter questioned background checks on the two years. Lila Mueller is to find out what other municipalities are doing relative to two year licenses. A motion was made by Trustee Ritter and seconded by Trustee Gottsacker to approve Resolution #8-10 excluding items ten and twelve until the General Government and Finance Committee can talk about it. Trustee Wilkowski was concerned about the Clerk's time and cost not being covered. Discussion took place relative to the fee for the CIB check. President Kowalkowski noted that we should not look at this like a revenue source look at it at that we are instituting a service. We want to break even and not want to lose money. Trustee Boehnlein withdrew her introduction; Trustee Ritter and Trustee Gottsacker withdrew their motion.

President Kowalkowski recommended that we use the \$7.00 for this year and change the fee and licensure year to a two year license. Discussion took place. Trustee Boehnlein suggested that the fee be \$10.00 for Application Fee for 2010-2011.

Trustee Boehnlein introduced Resolution #8-10 with a change in items 10 and 12 from \$20 to \$10 and refer this to the General Government and Finance Committee for further research. A motion was made by Trustee Ritter and seconded by Trustee Wilkowski to include 10 and 12 to \$10 each instead of \$20 each and to be referred back immediately to the General Government & Finance Committee. The Village Board was polled: ayes – Thiel, Boehnlein, Kowalkowski, Ritter, Nierode, Gottsacker; noes - Wilkowski; abstain - none. Motion carried.

- Term Limits for Village Clerk/Deputy Treasurer position (re: April 20, 2010): Term Limit should be reclassified to "Term Length" as the Village Clerk/Deputy Treasurer is not an elected position. On April 20, 2010, Trustee Boehnlein had requested that this topic be placed on the next Village Board agenda. President Kowalkowski noted that after the two year term, the term would be for four years and then terms would stagger. A motion was made by Trustee Boehnlein and seconded by Trustee Gottsacker that we amend the appointment made on April 20, 2010 for Village Clerk to read that the appointment was for two years. The next appointment in 2012 shall be for a four year appointment. The Village Board was polled: ayes –Boehnlein, Wilkowski, Kowalkowski, Nierode, Gottsacker; noes – Thiel, Ritter; abstain - none. Motion carried.

Miscellaneous Matters:

The following matters will be discussed and possible action taken:

A motion was by Trustee Thiel and seconded by Trustee Boehnlein to move agenda item 9)k) in front of 9)a). The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

- Home Lab Productions request for music hours. Ordinance #6-10 regarding noise was approved this evening but needs to be posted to become a legal municipal law. Action on this item will take place at the June Village Board meeting. They need approval about July 16th.
- Status – Heritage Park
 - Heritage Park Subdivision – sinkhole status. Another sinkhole developed. Daniel Birenbaum said it has been there before. Atty. Antoine has contacted their attorney and the reply was provided to the Village Board. Atty. Antoine took issue with select items Atty. Lang proposed. Explanation and discussion took place. Atty Antoine is to retool the document and return it to Atty. Lang.
- Status – Street light removal. Daniel Birenbaum reported that some lights were reinstalled as agreed upon. Discussion took place. President Kowalkowski had requested Daniel Birenbaum to get a quote from WE Energies to bury all of our overhead lines. If the Village chooses to go that route, we can choose where we want street lights to go. Trustee Boehnlein noted that there are many small children at Stepping Stones Children’s Center and she had questioned removal of lighting at that area.
- Status – Insurance renewal bid. It has gone out. Commentaries have been returned that the bid renewal date is too far out for quotations. Trustee Wilkowski noted that we had sent bid proposals to eleven companies. We need to know amount to budget by the end of October for budgeting purposes.
- Heritage Park Concession Stand
 - Concession Stand Construction Agreement. Atty. Antoine expounded on the agreement. Discussion took place. A motion was made by Trustee Boehnlein and seconded by Trustee Thiel to approve the Concession Stand Construction Agreement. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to move to agenda item 9)i) so that Atty. Antoine can address this topic and the be allowed to leave the meeting. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

- Up-date 106-108 Lar-Ann Street lawsuit. Atty. Antoine reviewed the situation with the Village Board. We did take a judgment against David A., Karen J. and Phyllis Farina for \$1,530.00. They have set a voluntary payment plan for \$50.00 per month payable the 15th of the month at 12% interest.

Atty. Antoine left the meeting at 9:04 p.m.

- Summer hours. The DPW staff would like to go to summer hours from Memorial Day to Labor Day. Currently, hours are Monday through Thursday from 7 a.m. to 3:30 p.m. and Friday, 6 a.m. to 2:30 p.m. Summer hours would be from 6:30 a.m. to 3:30 p.m. Monday

through Thursday and Friday would be 6:00 a.m. to 12 Noon. A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to approve summer hours. Discussion took place. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

- Summer help. Al Schlenvogt came back today and we will be advertising for an additional person for summer help.
- Belgium Fire Department Engine. Daniel Birenbaum noted that we lost the grant that was applied for. A letter from FEMA is forthcoming that Daniel will pass along. The Belgium Fire Department wrote a grant twice for a fire truck and was denied both times. Pagers are needed by 2013. Perhaps another grant can be written for pagers and other gear.
- Beautify Belgium Initiative reminder – May 15th. President Kowalkowski announced a clean up will take place on the Ozaukee County Interurban Trail from Cedar Beach Road to Silver Beach Road. Everyone was encouraged to participate.
- Ozaukee Fitness request for Tennis Courts. Rosemary Bruss, Owner/Operator of Ozaukee Fitness has requested to reserve the Tennis Courts from June 15th to August 5th on Tuesdays and Thursdays between the hours of 10 a.m. – 12 noon. A motion was made by Trustee Thiel and seconded by Trustee Wilkowski to approve Rosemary Bruss' request. Discussion took place. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

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

- Clerk/Deputy Treasurer Input:
 - Status CIB. Lila Mueller reported that the account has been established with the CIB for record checks.
 - State of WI DNR Grant Award. The Village was awarded \$8,312.01 for the 2010 Recycling Grant. The Village had budgeted \$7,900.00.
- Treasurer/Deputy Clerk input:

Jamie Cecil reported that we are now enrolled in the Tax Interceptor Program. We have 219 dogs licensed and 37 unlicensed dogs. We received the Franchise Fee from Time Warner Cable in the amount of \$5,974.40 which is \$100.00 less than last time. T-Mobile Antenna lease payments are now direct deposit. Jamie attended a water meter class with Daniel Birenbaum and staff.
- DPW & Water Superintendent Input:

Daniel Birenbaum reported that we had advertised our 2000 Chevrolet Utility Truck for sale and he had received three (3) bids: \$2,105.00, \$2,095.00 and \$2,026. A motion was made by Trustee Thiel and seconded by Trustee Boehnlein to approve the sale of the truck to the high bid (\$2,105.00) – Steve Thiel, Plymouth, WI, as is. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.
- Wastewater Superintendent Input:

Neil was not in attendance at this point of the meeting. Daniel Birenbaum reported for Neil. They started televising sewers on South Avenue. The condition of the pipe was discussed. Letters have been sent to residents along the project route. Pipe bursting is the preferred method.

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

- General Government and Finance Committee: Trustee Wilkowski reported on the last meeting. Building Inspector interviews are on the 13th.
- Protection of Personnel and Property Committee: Trustee Ritter - nothing
- Health and Sanitation Committee: Trustee Boehnlein – would like a committee meeting to go over conversation on garbage bag complaints as some people are using white bags, not clear bags, as the ordinance states. Trustee Gottsacker suggested that we need to have a representative from Veolia present. An ordinance change may be needed.
- Sewer and Water Committee: Trustee Nierode – reported on the joint meeting with the General Government Committee. Lila Mueller handed out a sample letter and listing of who received the letter for the South Avenue and Victory Street Project.

- Streets and Electric Committee: Trustee Gottsacker suggested a drive through this spring. Dates were discussed. A meeting is scheduled for May 24th, 4 p.m. before Board of Review.
- Parks, Recreation, and Forestry Committee: Trustee Thiel - nothing
- Plan Commission: President Kowalkowski noted the activity of the Plan Commission. It sounds like McDonald's will be moving and Mr. Gill will be having a tenant coming into Mobil. McDonald's wants to be in their new building by July. And will be open 24 hours.
- School District Report: Trustee Thiel – Meeting Wednesday night. The School Board appointed a new member last Tuesday. Possible candidates Vickie Boehnlein and Jeffrey Thiel were not selected.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker reported that at the last meeting Kristine M. Deiss, Mayor of the City of West Bend and the Washington County Clerk of Courts was the speaker. They had 16,800 cases in 2009 in Washington County. The next meeting will be this next Wednesday with an up-date on the Smoker's Law.
- Tree Board Report: Lila Mueller reported on the Tree Board. The Tree Board is interested in opening up their membership to the Township as membership is hard to recruit. As three members attended the last meeting, a meeting was not held. Discussion took place.
- Additional minutes of previous Committee Meetings, as available: None

Finances:

Approval of payment of bills: A motion was made by Trustee Gottsacker and seconded by Trustee Ritter 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:

None

Adjourn:

A motion was made by Trustee Thiel and seconded by Trustee Wilkowski at 9:35 p.m. The Village Board was polled: ayes – Thiel, Boehnlein, Wilkowski, Kowalkowski, Ritter, Nierode, Gottsacker; noes - none; abstain - none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC
Village Clerk/Deputy Treasurer