

## **Regular Village Board Meeting** – November 9, 2009 (Corrected)

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 (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 Village Trustees Gottsacker, Weyker, Wilkowski, Thiele and Ritter (7:56 p.m.). The vacant seat of Dale Pfeifer will exist until the Spring Election in April 2010. Also in attendance were Atty. Gerald H. Antoine, Daniel E. Birenbaum – DPW & Water Superintendent, Neil R. Anderson – Wastewater Superintendent, Building Inspector Frank Mayer, Brian Schrap – Deputy Village Marshal, Mr. & Mrs. Kumar, Robert Andrzejewski, Amy Rachuba – ESLS, Scott Gilson, David Wagner, CIPFA –Ehlers & Association (7:05 p.m.), Carol Pomeday – The Ozaukee Press (7:10 p.m.), Joan Gottsacker (7:20 p.m.), Roger Rachuba (7:43 p.m.), Donald J. Schommer (8:34 p.m.).

David Wagner, CIPFA –Ehlers & Associates entered the meeting at 7:05 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 tonight's meeting.

Carol Pomeday of the Ozaukee Press entered the meeting at 7:10 p.m.

### **Clerk-Treasurer's Reports:**

- **Minutes**
  - October 12, 2009 – A motion was made by Trustee Gottsacker and seconded by Trustee Wilkowski to approve the minutes of October 12, 2009. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried.
- **Financial reporting** - None

### **Review of Recent Correspondence:**

None

### **Announcements/Input:**

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

- **Ozaukee County Supervisor Input:** Supervisor Tom Winker was not in attendance.
- **Roger Rachuba - Webpage:** Amy Rachuba reported for Roger that there is no update this month. Topic to be on next month's agenda.
- **Chamber of Commerce Input:**
  - Signs in Belgium. No action taken. Referred to next month for possible financial assistance. Computerized renderings were provided.
  - 1<sup>st</sup> Impressions with New Glarus, WI. No information
  - Up-date on projects. Trustee Gottsacker attended last Wednesday's meeting at HoBo's Korner Kitchen and gave a report.
- **Village Marshal/Ozaukee County Sheriff's Department Input:**
  - Main Street patron complaint. Deputy Village Marshal Brian Scrap was in attendance in Village Marshal Scott Brinkman's absence. Brian reported on a complaint on the Main Street Tavern from a resident regarding a tavern patron outside of the tavern. He noted that winter parking hours start on November 15<sup>th</sup>.
  - Update on 106 Lar-Ann Street. Village Marshal Scott Brinkman has attempted to contact the owner of the property to no avail. Discussion took place with Atty. Antoine relative to possible options. A motion was made by Trustee Wilkowski and seconded

by Trustee Gottsacker to begin legal proceedings under Option #2 to the owners of 106 Lar-Ann Street. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried. Atty. Antoine explained the process.

Joan Gottsacker entered the meeting at 7:20 p.m.

- **Building Inspector Input:**

- **Status – 316-318 E. Redding Circle Concerns.** Some progress has been made by putting up the garage doors. Atty. Antoine questioned if this was the proper address. Discussion took place. Daniel Birenbaum is to quote the costs in a letter by this Friday.
- **Erosion Control – Ardennes.** This still needs to be corrected by Mastercraft.

- **ESLS Board Input:**

- **Resolution #28-09 – Eastern Shores Library System.** Trustee Weyker introduced Resolution #28-09. A motion was made by Trustee Thiele and seconded by Trustee Wilkowski to adopt Resolution #28-09. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried.

Amy Rachuba gave a report on ESLS activities.

- **Village Engineer Input:**

- **Status – Well #2**
  - **Well #2 payment to contractor.** Discussion took place. A motion was made by Trustee Thiele and seconded by Trustee Gottsacker to approve payment of \$5,522.82 for work performed to November 5, 2009 for Well Pumphouse #2 to Goldsmith Painting & Cleaning, Inc. per letter dated November 9 with endorsement of letter to go out to Goldsmith. This motion was amended by Village Trustee Thiele and Village Trustee Gottsacker to include a letter with the check. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried. Atty. Antoine noted that a restrictive endorsement needed to be stated on the check. A letter is to accompany the check.
  - **GIS Proposal.** Neil Anderson and Daniel Birenbaum gave an overview of their request for GIS. Monies have been budgeted in the Capital Project Budget. The request was for the base layer. \$25,800.00 covers the start up cost without a computer. Twenty record drawing are included in the start up costs. Discussion took place.

**Action Items:**

- **Operator's Licenses.** A motion was made by Trustee Wilkowski and seconded by Trustee Thiele to approve Operator's Licenses to Rich Clark, Angela C. White and William Unga. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried.

Roger Rachuba entered the meeting at 7:43 p.m.

- **Appointment of replacement for Eric Wilkowski on the Plan Commission.** Two candidates indicated interest in this position. President Kowalkowski does not have a letter from Rosemary Bruss and stated her background. A motion was made by Trustee Gottsacker and seconded by Trustee Thiele to approve Rosemary Bruss to replace Eric Wilkowski on the Plan Commission. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Gottsacker; noes - none; abstain - none. Motion carried.
- **Financing/Refinancing:**

David A. Wagner, CIPFA of Ehlers & Associates, Inc. was in attendance and gave a history of our TIF District and explanation for the refinancing the Village's balloon payment that is due next year and other components of the refinancing. The Village can not extend the TIF boundaries or new Tax Increment District as long as the value in the Tax Increment District exceeds 12% of the Village's total value. Currently the Village is at 14%. The Village may levy taxes in 2022 and collect revenue in 2023. The Village has

until 2017 to spend money in the Tax Increment District. Our TIF Increment does not have enough monies to pay the Developer Notes. Discussion took place.

Trustee Ritter entered the meeting at 7:56 p.m.

- **Letter of Engagement with Quarles and Brady, LLP.** A motion was made by Trustee Weyker and seconded by Trustee Gottsacker to approve a Letter of Engagement with Quarles & Brady, LLP not to exceed \$4,750 from TIF funds. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.
- **Resolution #29-09 – Resolution Authorizing an Application for a State Trust Fund Loan from and the issuance of Certificates of Indebtedness to the State of Wisconsin Board of Commissioners of Public Lands, and Making Certain Covenants Relating to the Build American Bond Program (\$428,700.00).** David Wagner presented background discussion to the Village Board. Discussion took place. Trustee Weyker introduced Resolution #29-09. A motion was made by Trustee Gottsacker and seconded by Trustee Ritter to adopt Resolution #29-09. Further discussion took place. Trustee Gottsacker and Trustee Ritter withdrew their motion to adopt Resolution #29-09. Item referred back to David Wagner, CIPFA, Ehlers and Associates to further refine the resolution.

Former President Donald J. “Peanuts” Schommer entered the meeting at 8:34 p.m.

A motion was made by President Kowalkowski and seconded by Trustee Thiele to table Resolution #29-09 until after November 17<sup>th</sup>. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.

- **TIF Developer Bonds (Refinancing)/TIF Update.** David Wagner gave an overview of the TIF Developer Bonds (Refinancing)/TIF Update.
  - **Amend 2009 TIF Budget to reflect refinancing.** A motion was made by President Kowalkowski and seconded by Trustee Weyker to table the amended 2009 TIF budget until we take action on Resolution #29-09. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.
  - **Resolution #30-09 – Resolution Establishing Policy for Payment of Connection Fees and Impact Fees for Village Owned Structures.** President Kowalkowski introduced resolution #30-09 – Resolution Establishing Policy for Payment of Connection Fees and Impact Fees for Village Owned Structures. A motion was made by Trustee Weyker and seconded by Trustee Gottsacker to adopt Resolution #30-09. The Village Board was polled: ayes –Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - Thiele; abstain - none. Motion carried. Trustee Thiele indicated that he would like to see a written policy.

#### **Miscellaneous Matters:**

The following matters will be discussed and possible action taken:

- **Status – Spring Street paving.** Remove from the agenda as this is taken care of.
- **Status – The Ardennes II.** Daniel Birenbaum noted that Payne and Dolan came in last week. Daniel explained to the board the work performed. The final lift of asphalt is to have a five (5) year warranty. The DPW staff is to check this area every spring.
- **Status – Heritage Park:**
  - **Park Development Status.** The park is to be seeded at the end of November. The port-a-potties have been picked up as sports are finished for the season.
  - **Heritage Park Subdivision.** Atty. Antoine is to write a letter to Ansay’s attorney relative to issues that still exist in this subdivision.
- **Status – Luxembourg American Cultural Center & Development.** Table this item until something starts happening.
- **Policy on no payment.** Bring back at the next meeting. Room Tax.
- **Dead end sign – Maple Street and two (2) speed limit signs.** Signs cost \$55.00 each: A motion was made by Trustee Weyker and seconded by Trustee Thiele to approve the purchase of a dead end for the end of Maple Street and two (2) speed limit signs for the southeast corner of Peter Thien Avenue. The Village Board was polled: ayes – Thiele,

Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.

- **Christmas light bulb purchase/rebate.** LED Christmas lights would cost \$1,818.03 with a rebate from Focus on Energy in the range of \$370 to \$400. Our electric bill would approximately \$121.00 for 34 days otherwise it was \$680.00. A motion was made by Trustee Ritter and seconded by Trustee Thiele to approve purchase of LED Christmas lights at a cost of \$1,818.03. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.
- **944 Arlon Court curb approach.** A letter is to be written to Mr. Scott Gilson relative to his roll back curb approach indicating that this would be a property owner responsibility. Atty. Antoine reviewed the ordinance and noted that he could clarify it. Maintenance and/or replacing has to be defined and clarified. Atty. Antoine is to collect ordinances relative to this issue. Mr. Gilson explained his situation. Discussion took place.
- **Arlon Court island maintenance.** Explanation and discussion took place. A motion was made by Trustee Thiele and seconded by Trustee Ritter that the Village of Belgium is to assume responsibility for the Arlon Court Island. Discussion took place relative to current maintenance of the island. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.
- **Village Trustee vacancy (discussion only – no action)** President Kowalkowski does not wish to appoint a Village Trustee and let Dale Pfeifer's vacant seat go to election in April, 2010. He has had an overwhelming response to the vacancy. Trustee Ritter questioned the cost of a Special Election. Trustee Gottsacker expressed his opinion that we had an overwhelming response by the Village and he did not think it was fair to the candidates. Gottsacker further stated that we should have a Special Village Board Meeting, interview the candidates and appoint one. Trustee Eric Wilkowski was surprised that there was not interview process when he was appointed. Trustee Ritter questioned a Special Election and the costs associated with it. Clerk-Treasurer Mueller explained the election process. Discussion took place. This topic will go to the General Government and Finance Committee for final resolution.
- **2010 Budget.** Trustee Weyker noted that we will be working to finalize the budget on Thursday evening at a General Government and Finance Committee Meeting.
- **Overpayment to former Village President.** The overpayment refund of \$85.60 from former President Donald J. "Peanuts" Schommer has been agreed upon. He had made a good faith effort in reducing what was owed. A motion was made by Trustee Weyker and seconded by Trustee Thiele that we accept and bill the past Village President \$85.60 to be paid in 30 days. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.
- **Garage Door.** Daniel Birenbaum is waiting for an additional quote. Kevin Wilcox of Guis Garage Doors presented a quote for \$1,960.00. A motion was made by Trustee Weyker and seconded by Trustee Thiele to authorize Daniel Birenbaum to purchase a garage door and have it install for \$1,960.00. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried. This project is to be done in 2009.
- **Recycling Center – day and hour changes.** Robert Andrzejewski, Recycling Manager, approached the Village Board relative to Recycling Center hours and day. He did a survey and preferred Saturday. Discussion took place. He requested 12:30 – 3:30 p.m. on Saturday instead of Wednesday. Discussion took place on other possible days and hours. A motion was made by Trustee Weyker and seconded by Trustee Wilkowski to change the Recycling day from Wednesday to Saturday for the first and third Saturdays of the month between 10 a.m.-2 p.m. for winter hours only starting November 14<sup>th</sup>. The Village Board was polled: ayes – Thiele, Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker; noes - none; abstain - none. Motion carried.

Atty Antoine left the meeting at 9:45 p.m.

#### **Committee/Staff Reports:**

- Clerk-Treasurer Input: Lila Mueller is working on the budget and other priorities. Jamie Cecil noted that Workhorse is coming in on Thursday. She also reported that Harris Bank increased their interest rate from .24% to .66%.
- DPW & Water Superintendent Input: Neil Anderson and Daniel Birenbaum explained a safety program that was group driven. Discussion took place. Cost saving with the Village's insurance was questioned. The Safety Program is also for the office staff.

- General Government and Finance Committee: On Thursday a meeting has been set to review the budget, Capital Plans and schedule Performance Reviews.
- Protection of Personnel and Property Committee: A meeting took place on November 2 to review the Village's insurance renewal. Discussion took place.
- Health and Sanitation Committee: Nothing
- Sewer and Water Committee: Budgets are being worked on.
- Streets and Electric Committee: A road trip will take place on November 5<sup>th</sup> to look at street lights with the General Government and Finance Committee.
- Parks, Recreation, and Forestry Committee: No chairman at present.
- Plan Commission: Nothing
- School District Report: A School Board Meeting will be held on Wednesday night. The School Board will be speaking with Kit Daily on how things went and see where they go from there.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker noted that Dr. Jill Hapner was the guest at the Mid-Moraine Legislative Committee Meeting speaking on evasive species.

The Mid-Moraine Dinner Meeting was held at the Belgium Community Center on October 28th. Ten people from the Village attended. The Executive Director for the Wisconsin Professional Baseball District was the speaker.

- Tree Board Report: Jamie Cecil reported on the past week's meeting. A \$200.00 donation was received in memory of Sandy St. Peter that will be tied into the Arbor Day celebration.

#### **Finances:**

Approval of payment of bills: A motion was made by Trustee Weyker and seconded by Trustee Gottsacker to pay the bills subject to availability of funds. The Village Board was polled: ayes –Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker, Thiele; noes - none; abstain - none. Motion carried.

Donald J. "Peanuts" Schommer addressed the Village Board briefly.

#### **Adjourn:**

A motion to adjourn at 9:54 p.m. was made by Trustee Gottsacker and seconded by Trustee Thiele. The Village Board was polled: ayes –Wilkowski, Weyker, Kowalkowski, Ritter, Gottsacker, Thiele; noes - none; abstain - none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC  
Village Clerk-Treasurer