

## Village Board Public Hearing – October 13, 2008

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 State Bank (Belgium Office), and Belgium Hardware and Beverage.

A Public Notice was also published and surrounding property owners were noticed of this hearing.

Condominium Overlay Zoning District Applications were submitted by Atty. Michael P. Herbrand, agent for Kaerek Builders, Inc., for parcels they presently own, namely Tax Key Numbers: 18-117-0031-000 and 18-117-0025-000, located at **306-308 Goschey Drive and 252-254 Wings Way**, Village of Belgium, WI. These properties are currently zoned RD-1 Two-Family Residence District and the request is the addition of the Condominium Overlay District Zoning – RC-1 (Condominium Two-Family Residence District) for these properties.

President Schommer called the Public Hearing to order at 6:45 p.m. In attendance were Trustees Pfeifer, Vodicka, Lukas, Gottsacker (6:47 p.m.), and Ritter (6:48 p.m.); absent: Weyker. A quorum was declared established. Also in attendance were Daniel E. Birenbaum – DPW & Water Superintendent, Neil R. Anderson – Wastewater Superintendent, Atty. Gerald H, Antoine.

Trustee Lukas asked if this was any different than previous Condominium Overlay Hearings. It was not different than hearings of the past.

The Public Hearing adjourned at 6:50 p.m.

Respectfully submitted,

Lila M. Mueller, CMC  
Village Clerk-Treasurer

## Regular Village Board Meeting – October 13, 2008

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 State Bank (Belgium Office), and Belgium Hardware and Beverage.

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

President Schommer called the meeting to order at 6:51 p.m. In attendance were Trustees Pfeifer, Vodicka, Lukas, Gottsacker, and Ritter; absent: Weyker. A quorum was declared established. Also in attendance were Daniel E. Birenbaum – DPW & Water Superintendent, Neil R. Anderson – Wastewater Superintendent, Atty. Gerald H, Antoine, Nancy Matecki – Deputy Village Marshal, Mark Cecil (former Village Marshal), Jamie Cecil – Deputy Clerk-Treasurer, Deb Hoffmann of Houseman & Feind, LLP for Karek Builders, Robert Littmann representing Randolph Mickelson, Ron Cwikla, Robert & Joyce Andrzejewski, Bill Callahan, Mark Paladino, Neil Tiziani – Ansay, Michael Thun – Veolia, Scott VanHaveren – Veolia, Patrick Wester – DPM, LLC & Belgium Community Club, John Thiele, Carol Pomeday – The Ozaukee Press, Will Holtrith – Karek Builders & Holtrith Realty, Alan Bublitz, Christian D. Christianson, Rebecca L. Christianson, Mike Ruppel, Keri Ruppel, Jeff Thiel (7:03 p.m.), Joan Gottsacker (7:06 p.m.), Roger Rachuba

(7:08 p.m.), Paul Bley – DPW Employee (7:30 p.m.), Frank D. Mayer – Building Inspector (8:13 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 later this evening.

Clerk-Treasurer's Reports:

- Minutes
  - Approval of minutes of previous meeting(s): none available
- Financial reporting: None at this point. Working with the auditors currently.

Review of Recent Correspondence:

None

Announcements/Input:

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

- Chamber of Commerce Input: Trustee Gottsacker reported on a meeting held on October 1 at HoBo's Korner Kitchen. The speaker for the evening was a DNR representative on the Emerald Ash Borer.
- Village Marshal/Ozaukee County Sheriff's Department Input: Scott Brinkman and Nancy Matecki are on the job. Mark Cecil was commended for doing a great job while Village Marshal.
- Building Inspector Input
  - Regency Inn Sign Permit Fee - Mrs. Kumar was in attendance. She was charged \$25 for a sign permit which she is protesting. She says her name has not changed as her corporation – 7 –Saints Corporation was doing business as AmericInn and now doing business as Regency Inn. It was noted that Mrs. Kumar is being charged for one (1) sign, not two (2), for the signs. Mrs. Kumar was protesting the fee for the principle. Adding a marquee to the sign was discussed. Adding a marquee line to a sign would constitute another sign. Signs at Mobile and BP were also questioned by Mrs. Kumar relative to permits.

Jeff Thiel (7:03 p.m.), Joan Gottsacker (7:06 p.m.) and Roger Rachuba (7:08 p.m.) entered the meeting.

- Village Engineer Input:
  - Professional Agreement – Southeast Stormwater. A motion was made by Trustee Lukas and seconded by Trustee Ritter to approve an Agreement for Professional Services with McMahon Associates, Inc., Contract #B0002-980127.06, for southeast stormwater not to exceed \$12,000.00. Work is to be performed in 2008 and budgeted in 2009. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Ozaukee County Supervisor Input:

Not in attendance. President Schommer and Daniel Birenbaum explained that village staff met with staff of Ozaukee County Highway Department relative to paving of Main Street in 2010. Sewer laterals need to be replaced in select areas prior to the project commencing. It was also noted that the Bookmobile will be on the ballot in November.
- Cedar Grove-Belgium Area School Board Input: They are still fact finding for a school building program.
- Other:

Daniel Birenbaum noted Halloween hours and that the Belgium Fire Department will be patrolling.

Action Items:

- Operator's Licenses. A motion was made by Trustee Vodicka and seconded by Trustee Gottsacker to approve an Operator's License for Rae Ann M. Webster. The

Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

- Ordinance #27-08 – Ordinance Granting RC-1 Condominium Two-Family Residence District Overlay Zoning to Property within the Village of Belgium and Amending the Village Zoning Map (306-308 Goschey Dr; 252-254 Wings Way). A motion was made by Trustee Lukas and seconded by Trustee Ritter to approve the ordinance with the proper language. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Assessor's Contract for 2009. A motion was made by Trustee Lukas and seconded by Trustee Ritter to approve the Standard Yearly Maintenance Contract: 2009 Assessor's Position in the amount of \$9,300.00. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Resolution #28-08 – C.S.M. Phoenix Properties, LLC & Ansay Development Corporation. Trustee Lukas introduced Resolution #28-08. A motion was made by Trustee Pfeifer and seconded by Trustee Gottsacker to approve and adopt Resolution #28-08, C.S.M. for Phoenix Properties, LLC and Ansay Development Corporation. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Uniform Contract. There was no contract available for this evening's meeting.
- North Royal Avenue and South Royal Avenue lighting revisions:
  - A motion was made by Trustee Lukas and seconded by Trustee Pfeifer to approve WE Energies Work Request #PW 260388 for 6 lights along South Royal Avenue at a cost of \$17,257.16. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
  - A motion was made by Trustee Vodicka and seconded by Trustee Lukas to approve WE Energies Work Request #PW2670781 for 3 lights along North Royal Avenue at a cost of \$9,634.85. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Appoint Tree Board Member: A motion was made by Trustee Pfeifer and seconded by Trustee Lukas to approve the appointment of Richard C. Howells as a Tree Board member. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

#### Miscellaneous Matters:

The following matters will be discussed and possible action taken:

A motion was made by Trustee Lukas and seconded by Trustee Ritter to alter the agenda taking item 10) p) Status of Trash and Recycling Contract at this time followed by item 10)a). The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

- Status of Trash and Recycling Contract: Trustee Lukas explained the contract negotiation process. The fuel surcharge was the increase in the contract. Another meeting of the Health and Sanitation Committee will take place on Thursday, October 23<sup>rd</sup>, at 3 p.m. at the Village Hall. The yard waste dumpster and scrap metal dumpster were discussed. The scrap metal dumpster terms will be changed whereby the Village will keep the proceeds of the scrap metal sales and the Village will pay the fee for the scrap metal dumpster. This will be tried for one (1) year.

Paul Bley entered the meeting at 7:30 p.m.

Trustee Lukas was questioned by Robert Littmann as to why the Village was not getting bids. Trustee Lukas indicated that the Village chose to negotiate with our current vender and the competitor vendor's employees were on strike.

President Schommer thanked Veolia ESD Solid Waste, Inc. for their services to the Village of Belgium.

- Status – The Ardennes II Subdivision: Next year second lift of asphalt and street trees are needed.
- Status – Maple Lawn, Phase #5 Subdivision: Street trees are to be planted by CMIC.

- Status – Maple Lawn, Phase #6 Subdivision:
  - Status – pond. Two weeks ago on October 1<sup>st</sup>, Matthew Greely, P.E., Atty. Gerald Antoine and staff has a discussion with Scott Puchtel of CMIC. He had indicated that they were in the process of hiring Land Craft Survey and Engineering, Inc. to do some analysis for them to determine what they could do. Roger Rachuba, property owner adjacent to this project, questioned the timeline on the evaluation from the engineering firm. No timeline was given to the Village. The Village has received permission to repair 200 feet of broken field tile in an attempt to stop water from encroaching neighboring properties. The Village will perform the work and invoice CMIC.
- Status – Heritage Park/Subdivision:
  - Baseball fencing: Last week Monday, Munson Fence Division, set up the back stop posts. Fencing is scheduled to arrive next week.
  - Stadium dirt: 880 yards have been hauled in. Low spots still exist. We will wait until spring to see if additional dirt is needed. It is questioned where the funds are to come from for additional dirt.
  - Status of second lift of asphalt: The second lift of asphalt will be laid in 2009. Neil Tiziani of Ansay thought that this was a good idea due to settling, etc. Sink holes need to be filled and manholes ramped prior to snow fall. Mark Paladino questioned a melted globe on a street light. The globe melted onto the light bulb. Daniel Birenbaum is aware of the situation and a corrective measure is in place. A motion was made by Trustee Ritter and seconded by Trustee Lukas to defer the second lift of asphalt in Heritage Park Subdivision to 2009 with installation required by October 30, 2009. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Status – Luxembourg Cultural Center and Development: Neil Tiziani of Ansay noted that the project is moving forward. Snowplowing may not take place this winter if Daniel Birenbaum does not see that the site is completed to a point that the service can be provided.
- Status – Camelot Development: Nothing. President Schommer has been the cheerleader for the store. Everything else is on hold.
- Status – Water and sewer issues from flooding:
  - Stormwater related claims. Letters and complaints were forwarded to the Village's insurance carrier per instructions of Atty. Gerald Antoine. These claims are now in the insurance carrier's hands. Concerns about back-ups in the future were aired. Some residents state that they have sewerage back-ups during every rainfall and claimed that the problem has not been fixed.

Frank Mayer – Building Inspector, entered the meeting at 8:13 p.m.

Complaints were heard from residents on Lincoln Court and Liberty Street. Michael Ruppel, 128 Lincoln Court, would like to see how this will be resolved. The Village has been placing funds in the annual Sewer Fund Budget for infiltration and inflow.

- Status – 106 Lar-Ann Street, fire, property damage. Atty. Antoine is to seek out the insurance carrier for this property through Wells Fargo in order to have the property repaired. His property is in foreclosure.
- Status – Park Reservation Fee: Atty. Antoine is to review our current agreement.
- Status – Lawn planting (538 Hickory Street). The lawn has been planted.
- Status – Lar-Ann Street storm sewer: The mini storm sewer was installed last month. The black top has to be patched. Lar-Ann Street will be repaved in 2010.
- Status – Street Paving - Lindale Street: This has been completed today.
- Horizon Development Impact Fee Request: The developer's need to address the issue first with the Sewer and Water Committee. A motion was made by Trustee Lukas and seconded by Trustee Ritter to send this item to the Sewer and Water Committee. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Holiday House Show: Alan Bublitz of 309 S. Lar-Ann Street is planning on hosting the annual Holiday House Christmas Light Show from December 1 – January 1<sup>st</sup>. Donations are given to the T-Baum Foundation. Mr. Bublitz requested that the Village allow him to place temporary lit signage on the major corners of Hwy. D & LL & Farmview & Lar-Ann Street (4'4" x 3' high) and that the Village turn off two street lights closest to his house for the purpose of enhancing the light display. A motion was

made by Trustee Gottsacker and seconded by Trustee Lukas to approve the annual Holiday House, temporary signage and turning off the street lights nearest 309 S. Lar-Ann Street between December 1, 2008 – January 1, 2009. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

A motion was made by Trustee Lukas and seconded by Trustee Gottsacker to amend the agenda back to Building Inspector. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

- Building Inspector Input: 12 permits were issued. Not much going on all over. Permits are issued but not picked up. Mastercraft Builders have picked up their permit.
- Petition on water quality. A petition has been received from 10 property owners stating that “The undersigned residents on or near 1<sup>st</sup> Street of the Village of Belgium request the Belgium Water Utility to address the water quality problems, ie: rusty, murky water, sediment and particles of sludge like matter in the water”. In the middle of September, there was brown water. Daniel Birenbaum flushed hydrants for all the lines for one-half to one hour. The line is on the dead end main. A 12” pipe does not have enough water flow at that end. Currently using phosphates and Aquadine but Dan is considering looking for a different chemical. The valve is ½ way open. Looping the water main may solve this issue but that is subject to development. Daniel must notify property owners when flushing mains. On September 11<sup>th</sup>, Randy Mickelson, 247 First Street, ran 3,090 gallons of water over a 6 hour period and still had no clear water. Dan also used Iron Out to take iron out the Village’s water supply. Mr. Mickelson is asking for a credit on his 3<sup>rd</sup> quarter utility bill for the 3,090 gallon used for this situation. Daniel Birenbaum is to work with property owners. The DPW will televise this area as appropriate. The Village has done the study but needs to look at the feasibility of looping this area. First Street has 12” mains while S. Royal Avenue has 10” mains. The Sewer and Water Committee is to review the refund request of Mr. Mickelson.
- Christmas Parade donation request. Patrick Wester of the Belgium Community Club was present requesting a donation towards the Christmas Parade expenses. A motion was made by Trustee Lukas and seconded by Trustee Pfeifer to donate \$250.00 towards the Christmas Parade hosted by the Belgium Community Club. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
- Drainage in the Ardennes. Daniel Birenbaum is obtaining prices on a mini-storm sewer for this area.
- Overhead bay door (budget item): Postpone to next meeting as Dan did not have time to obtain pricing.
- Use of Park by Cedar Grove Schools for baseball: John Hocking, Principal, Cedar Grove High School has approached the Village requesting use of the Village of Belgium Park system for fast pitch softball. A schedule is needed. A motion was made by Trustee Pfeifer and seconded by Trustee Lukas to approve the use of the Village Park to the Cedar Grove School District for fast pitch softball pending receipt of a schedule. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

#### Committee/Staff Reports:

- Clerk-Treasurer Input: Nothing
- DPW & Water Superintendent Input: Nothing
- General Government and Finance Committee: Approval of September 22, 2008 minutes next month.
- Protection of Personnel and Property Committee: Nothing
- Health and Sanitation Committee: Meeting Thursday at 4 p.m.
- Sewer and Water Committee: Meeting October 20<sup>th</sup> at 7 p.m. Well #2 repair of pipes, Horizon fees are to be on the agenda.
- Streets and Electric Committee: Christmas lights at the Bublitz house (discussed earlier)
- Parks, Recreation, and Forestry Committee: Heritage Park looks nice.
- Plan Commission: Working on the 2035 Comprehensive Plan with Ozaukee County. December meeting of the Plan Commission and the Village Board is Monday, December 15<sup>th</sup>.

- School District Report: Steering Committee is on Wednesday. Trustee Ritter is unable to make the meeting.
- Mid-Moraine Municipal Legislative Committee Report: Trustee Gottsacker reviewed the last meeting.
- Tree Board Report: Trustee Pfeifer reviewed the October 6<sup>th</sup> Tree Board Meeting with the Village Board. Richard Howells has been appointed as a new member of the Tree Board. Deputy Clerk-Treasurer, Jamie Cecil, noted that the Tree Board is working on making Tree City USA . Dan Birenbaum noted that he would like two (2) pine trees in Lake Hills Park.

Closed Session:

- The Village Board will convene to closed session per WI Stats. 19.85 (1)(g) regarding pending litigation. A motion was made by Trustee Luke and seconded by Trustee Ritter to convene to closed session at 9:16 p.m. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.
  - The Village Board reconvened to open session at 9:38 p.m.
  - Action: none

Finances:

Approval of payment of bills: A motion was made by Trustee Lukas and seconded by Trustee Gottsacker to approve the payment of bills submitted subject to availability of funds. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

Adjourn:

A motion to adjourn at 9:39 p.m. was made by Trustee Pfeifer and seconded by Trustee Lukas. The Village Board was polled: ayes - Pfeifer, Vodicka, Schommer, Ritter, Gottsacker, Lukas; noes – none; abstain – none. Motion carried.

Respectfully submitted,

Lila M. Mueller, CMC  
Village Clerk-Treasurer