

**VILLAGE OF WALWORTH
VILLAGE BOARD**

Monday, January 13, 2020, 6:00 p.m.
Village Hall, 227 N. Main St., Walworth, Wisconsin

MINUTES

Call to Order: President Connelly called the meeting to order at 6:00 p.m.

Roll Call: Present: President Tom Connelly, Trustees Louise Czaja, Dan Mizialko, Kristi Reiersen, Pat McMahon. Absent: Randy Maynard. Also present: Attorney Brad Lochowicz, DPW Tim Boss, Clerk Treasurer Sabrina Waswo

Pledge of Allegiance

Approval of Minutes from the August 12, 2019 Regular Board meeting

Item continued as minutes were not complete.

December 2019 Financial Reports – Village and Water/Sewer Budgets

The board reviewed the financial reports.

December 2019 Village and Water/Sewer Payables including Additions

Questioned the Curtis Ambulance invoice. Pending further information from Chief Austin.

Czaja/Reiersen motion to approve. Baxter & Woodman will be here next month to discuss the drainage study. Czaja noted we are refunding water impact fees. Motion carried 5 to 0.

Comments from Citizens Present: Any item presented to the Village Board by a citizen will be heard and may be placed on the next regular meeting's agenda

Paul Lauterbach, 914 Bennett, questioned the timeframe of when the board will take action on the drainage study. President Connelly explained the board will need to see specific costs before we can take action. Anything decided will be in the 2021 budget year. Next month the board will discuss the plan, and the engineer will help dictate the timeline once we know what direction we are going.

Kris Alter, 440 Ridge Rd, asked if the board has any intention of forming a committee with residents from Oak Knolls involved in the decision making process for what is best for their subdivision. Connelly's philosophy is that ad hoc committees tend to muck things up. Kris would like to see some type of involvement from their subdivision as they are affected the most. She strongly requested the board look at her proposal with Oak Knolls residents involved as this is such a difficult and irregular situation. Connelly does not want too many subcommittees, but certainly we can take her comment.

Brandon Recknagel, 835 Devils Ln, asked if have we notified Shodeen about an engineer being involved and possibly pause the whole Big Foot Development plan based on what we have seen from the flooding. Connelly stated the village is always in contact with Shodeen. They sent in 500 photos from 2018 and the most recent flooding to help with the drainage study. We can put the item of Oak Knolls flooding as it relates to Big Foot Pines on next month's agenda.

Kelly Freeman, 410 Oak Hill Rd, was hoping the Police would be in attendance as she wanted to give them a public thank you. She attended the Walworth Children's Foundation meeting and noted our Police Department plays such an important part in our grade school and children. She appreciates what they do for us and our people. Spoke about the children's 501(3)(c) foundation, started in 2011. This foundation has nothing to do with the school, and uses no tax dollars. It is all done by donation. Children have many needs

and don't come in with the same set of assets. They try to take care of the neediest. This foundation, through the marvelous staff, try to fill in the needs.

Jim Eckman, 940 Laurie Ct, said the water has not stopped running in. Connelly stated the engineer is very aware of the amount of water and timeline of water starting in April. This is the longest Jim has ever seen it run in. Connelly was at a meeting with homes on the north shore of Lake Geneva who have tributaries that have opened on their properties.

Clerk Waswo stated candidates that have been certified for the April 7, 2020 Spring ballot are Louise Czaja, Joan Sallee, and Bob Ball. We have three open trustee positions.

Ron Paulson, 132 Bonito St, commented on Facebook posts made by President Connelly. He felt there were inconsistencies with what Tom posted versus what the board actually approved. He noted a posting relating to only charging businesses for sidewalk snow removal, not the residents. He was frustrated with areas in the village that do not have sidewalks, which forces his children to walk on the road. He posed a solution of putting in sidewalks where there are no sidewalks using the fees collected for snow removal. He feels there are way more important items the village can be focused on rather than clearing sidewalks.

Kris Alter noted when the developer builds the house, it's a fallacy that the developer puts in the sidewalk. When she moved into her house in 2000 she was never told she had to put in a sidewalk. The village called and told her a sidewalk would be put in and her driveway would be torn up. She was not able to get a quote and she had to pay for it. She had to redo her driveway, which cost \$5,000. If the village waived installing sidewalks for the developer, why did she have to put it in. She did not know about the increase of the snow removal costs until she read it on Facebook. She feels it is irresponsible of the board to not inform the residents.

Communication and Miscellaneous Business – Discussion, Consideration, and Action on the following:

Reconsider establishing a Disaster Relief Fund

President Connelly noted this is heartbreaking to talk about. We have some incredibly generous organizations that want to help individuals in Oak Knolls. Our legal and auditing professionals are really making the case that it's not the place for the village to accept these donations and figure out how to disburse them. We have two checks that have not been deposited as we are trying to figure out how to do it equitably. The amount of liability this opens up for the village and problems it puts forth is tremendously difficult to manage.

From the village's perspective, Attorney Lochowicz is concerned about making it equitable, especially if the funds are there to give to some citizens but not others. How does the village make decisions in the long term; once those funds are expended, it creates a lot of problems. There are good alternatives. The ideal situation is these organizations determine how they want to disburse their donations. It's their choice as they are a private organization. Another alternative would be Oak Knolls residents creating their own fund or organization that can benefit Oak Knolls and the community. By the village accepting the donations, the board is being put in a position to solicit funds for, sometimes, a private purpose. He feels the auditor would agree there is nothing wrong from a legal perspective with the fund; but the mechanisms put in place will create many difficulties from a government entity perspective. Attorney Lochowicz's recommendation is not to create a disaster relief fund. But there is nothing wrong with the village motivating other organizations to come forth and do so on their own.

The Board took a recess at 6:34 p.m. The Board came back into session at 6:37 p.m.

Our auditor, Baker Tilly, stated in her experience she cannot think of another municipality that took this on as it is a very complicated endeavor. She raised a number of red flags in trying to take this on at the village level. The village received \$20,000 in donations and we can't think of a mechanism to get it into people's

hands without creating a controversy, legal conundrum or liability situation. That's the pitch to give this money back to the organizations and let the organizations give the money to who they want and keep the village out of it.

Trustee Czaja stated the Lions Club were most definite on how they wanted the funds spent only for direct recovery benefit of the residents. Kikkoman Foods donation stated flood relief. The village is facing charges to have long term mitigation solutions. If Kikkoman's funds would provide for costs to help defray some of those long term remedial solutions, that would be a specific use. She can understand the Lions Club and difficulty that presents. Attorney Lochowicz has concerns regarding spending Kikkoman's donation on mitigation without getting their blessing. He is not sure if that was the intention for that particular donation. Connelly received emails from Dan Miller stating the donation was specific to the people whose homes have flooded in Oak Knolls.

Attorney Lochowicz said if the village decides to return those funds; hopefully those organizations would still be willing to do something within the community, but he thinks it's best for them to decide. They could spend the money without concerns that they are not benefitting everyone. The idea behind creating this fund was with the best intentions but after taking a step back, the question of how to do that creates many problems. Czaja feels the Walworth Children's Foundation is a wonderful example of a group of people who are faced with a glaring need; they formed a 501c3 in 2011 and function very well. Connelly noted its best left in the hands of a charity. Lions Club is already a charity. Kikkoman may already have its own 501c3 entity. Perhaps this sets a dangerous precedence when the sole intention was only to help.

Czaja/McMahon motion to reconsider establishing the disaster relief fund. Motion carried 5 to 0.

Czaja/McMahon motion to return funds to Big Foot Lions Club in the amount of \$15,000 and Kikkoman in the amount of \$5,000 with our extreme gratitude and concern for welfare of the community as a whole. Motion carried 5 to 0.

Reierson/Czaja motion to close the disaster relief fund. Motion carried 5 to 0.

Disallowance of Claim submitted by Edward Lipinski

Clerk explained the claim. Attorney stated it does not stop him from bringing a claim, but disallowing the claim shortens the time period for him to bring a legal action.

McMahon/Reierson motion to disallow the claim submitted by Mr. Lipinski. Motion carried 5 to 0.

Town of Walworth Fire & Rescue Contract Update and Timeline

Connelly feels we need to give the Chief time to square away his bylaws and let him give us a timeline and recommendation from the Fire/Rescue Department.

Standing Committee Recommendations & Reports – Discussion and Action on the following:

Finance: Meeting Update

Brennan Letter of Credit Notice of Non-Extension

Village received a letter from BMO Harris cancelling the Letter of Credit (LOC). Jerry Brennan is no longer with BMO Harris and they no longer want to carry his LOC. He will establish a new LOC at his bank if the village would like him to. Attorney Lochowicz noted the village's options are: 1. draw on the LOC if the work has not been completed, 2. get a replacement LOC to protect the improvements, or 3. do nothing and as of February 20, 2020, the LOC will expire. Whatever action taken we have a limited timeframe. Trustee Czaja suggests contacting Plan Commission to see if they have a recommendation. Item will be added to Monday's Plan Commission agenda.

General Services: Meeting Update

Fire/Rescue Officer Elections and Appointments

This is a formality, Fire/Rescue have selected their officers for the year, no major changes.

McMahon/Reierson motion to accept the 2020 Fire/Rescue Elections and Appointment Roaster. Motion carried 5 to 0.

Hiring Part-Time Officer Anthony Ambach

McMahon/Reierson motion to hire part-time Police Officer Anthony Ambach. Motion carried 5 to 0.

Public Works: Meeting Update

Contracting a Service for Sidewalk Snow Removal

DPW Boss has no potential contractors. Discussed it as an idea to bring to full board for either this year or next year. This would be a nice option due to the lack of time Public Works has, especially during a snow storm. Boss noted a contractor would document with pictures and bill the village. He would manage the contractor. As of today, 13 residents and 3 businesses were given a notice. A lot of them were habitual. He normally has about 10 to 20 offenders during a bad storm.

Trustee McMahon said Public Works talked about the \$200 being sticker shock, drifting, and leniency. Connelly read state statute 66.0907(5): “The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense of clearing in front of any lot or parcel of land shall be included in the statement to the comptroller required by sub. (3)(f), in the comptroller's statement to the city clerk and in the special tax to be levied. The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.” He noted state statute 66.0907(3)(f) talks about the expense: “The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land.” It set up the mechanism where it’s a special tax or levy against the tax of each property and shall be collected like other taxes upon real estate. The village ordinance echoes the state statute, Connelly read ordinance 6-2-7, Snow and Ice Removal.

Connelly was unsure when the fee was established. Boss stated in the last 20 years the fee has never been increased. Committee discussed fees. Trustee McMahon said we are really talking about 10 habitual offenders. We are not looking at making a profit; we are wanting people to comply and clear their sidewalks. Public Works has a small staff and plows 20 miles of road, 3 miles of sidewalks and bike paths that are municipally owned. They also run the water and sewer utility. Boss is getting complaints, but he can’t get a person out there in the timeframe to shovel per the ordinance. Connelly would like this referred back to Public Works Committee.

McMahon/Czaja motion to refer item back to Public Works Committee. Motion carried 5 to 0.

Commission and Special Committee Reports: Discussion, Consideration, and Action on the following:

Plan Commission: Meeting Update

Ordinance 2020-2, amending to Ordinance 14-1-74(n), revising the on-site storm water detention to a 25-year frequency and storm water detention for up to and including a 100-year frequency storm. This was born out of storm water management and future development of business, manufacturing, and any new building. We need to raise the standard. We do not want to do the #2 optional. How the water moves through a storm has to be the same as when it’s built. It can’t create more water runoff. This increases from a 20 year storm to a 100 year storm.

Czaja/Reierson motion to approve the amended ordinance 14-1-74(n) with the exception of #2 optional. Motion carried 5 to 0.

Dalco Metals Storm Water Management Practice Maintenance Agreement

Attorney Lochowicz has reviewed and approves the agreement.

Czaja/McMahon motion to approve the Dalco Metals Storm Water Management Practice Maintenance Agreement. Motion carried 5 to 0.

Certified Survey Map amending Outlot 1 located on Fairview Drive to a lot (Tax Key VWA 00070).

This is regarding the communications tower. Local ordinances suggest any parcel labeled as an outlot is non-buildable. The CSM takes care of that, renaming outlot 1 to lot 1. That is the only change. The cost of recording is not substantial, which is on the village as the property owner.

McMahon/Reiersen motion to approve Certified Survey Map amending Outlot 1 located on Fairview Drive to a lot (Tax Key VWA 00070). Motion carried 5 to 0.

Uniti Tower Update

The CSM was the last item in the process and we are greening lighting Uniti on the project.

FWWPCC: Meeting Update

Phosphorus Modifications Project Agreement for Bidding Related Services

The Clean Water Fund Loan will be used to expand the sewer plant to meet the EPA and DNR standards for phosphorus removal out of our affluent from the plant. This document needs to be approved for the President's signature for them to go out for bid. The cost of the project has an option listed to replace the 25 year old fiberglass domes. There was \$60,000 added to re-gel coat the domes, that is if they can remove and re-gel them without damaging them. The cost to replace the domes is \$360,000 and is not part of total capital costs, it would be additional. The \$3,104,000 is the total cost we are sharing with the Village of Fontana and Kikkoman. Our portion is around \$610,000 after receiving the grant from the state. The remainder is put into a note with zero or very low interest.

McMahon/Czaja motion to approve the agreement for bidding related services, construction related services, and phosphorus removal modifications. Motion carried 5 to 0.

Clean Water Fund Loan Grant Update and Wastewater Phosphorus Removal

Engineering/Construction Timeline. The timeline was provided in the packet. The initial engineering was paid by the sewer commission's reserve cash. This will be part of 2021's budget and will be paid out of the utility. Public Works is anticipating a sewer rate increase to cover the expense, if necessary. This is state mandated, our sewer commission can no longer operate under the point system and meet the states requirement for phosphorus removal without an investment in the plant.

Emergency Government: Meeting Update. No update.

Library Board: Meeting Update. Nothing new to report.

Adjournment

McMahon/Czaja motion to adjourn at 7:33 p.m. Motion carried 5 to 0.

Sabrina Waswo, Clerk Treasurer