

**VILLAGE OF WALWORTH  
VILLAGE BOARD**

Monday, January 14, 2019, 6:00 p.m.  
Village Hall, 227 N. Main St., Walworth, WI

**MINUTES**

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

**Roll Call:** Present: President Connelly, Trustees Czaja, Mizialko, McMahan, Nordmeyer. Absent: Trustee Maynard. Also Present: Attorney Brad Lochowicz, Lt. Milligan, Clerk Treasurer Waswo, Deputy Clerk Treasurer Rogers, Nate Austin from John's Disposal

**Pledge of Allegiance**

**Approval of Minutes from December 10, 2018 Regular Board**

Nordmeyer/McMahon motion to approve the minutes as presented. Motion carried 5 to 0.

**Approval of December 2018 Treasurer's Report**

President Connelly spoke with our auditor on the payment in lieu of taxes (PILOT). This is listed on our general fund budget as \$80,000. Historically the payment has not been made as the utility did not have the funds to pay it. We were able to transfer the money in 2018. Moving forward the utility will pay the PILOT to the general fund.

Nordmeyer/Mizialko motion to approve and place on file for audit. Motion carried 5 to 0.

**Approval of December 2018 Village and Water/Sewer Payables including Additions**

Nordmeyer/Mizialko motion to approve December 2018 Village and Water/Sewer payables including additions. 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.**

Lori Lange would like to establish a dog park on village property on Fifth Avenue by the Department of Public Works. She would like it fenced by private funds. It will be added to the next Public Works agenda.

Kelly Freeman announced and invited everyone to the 3<sup>rd</sup> annual candidate's forum on Tuesday, March 19<sup>th</sup> from 6:30pm to 8:30pm at the library.

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

**John's Disposal Bulk Services Contract Amendment and presentation**

Nate Austin from John's Disposal presented the contract amendments. He's taking over for Brian. This year has been the most challenging for them as they own two recycling centers. China has been the number one largest importer of recyclables. As of January 1, 2018, they said no more, which disrupted recyclers all over the United States. They have been scrambling trying to find new markets and new homes for the materials. He's had to go back to many of their municipalities to ask for more funds. CPI governs their contract increases which peaked at 2.4%. They are proposing an on call bulk collection service. Currently the village has a once a month bulk pick up. With the call in, residents can call in any time, once per month, for their bulk pickup. They view this as a benefit as people do not have to wait and there is less trash on the side of the road. When they call, John's can route it more appropriately to keep their savings down. Nordmeyer asked if people call 72 hours in advance, does John's come out within 72 hours or within a designated day. Nate replied that it depends. Our contract says one thing but

in reality, if someone calls and we are going out the next day, we will pick it up that next day. They will work with the village on the transition and will tag for 2 to 3 months to help educate people.

President Connelly feels there is an increase in cost with essentially less service. The village is working with less money every year and more expenses. We are capped by a levy limit so we are unable to increase taxes to pay for this increase.

Nordmeyer/McMahon motion to approve the amendment to the agreement of the curb side collection of the recycling. Motion carried 5 to 0.

**Accept Police Chief Daniel Hammett's resignation effective January 21<sup>st</sup> at 4:00pm.**

Chief Hammett submitted his resignation. He has decided to seek employment with the Village of Williams Bay as a patrolman. He decided the Chief's position wasn't for him.

Nordmeyer/Mizialko motion to accept Chief Hammett's resignation effective January 21<sup>st</sup> at 4:00pm. Motion carried 5 to 0.

**Appoint Ryan Milligan as Police Chief effective January 21<sup>st</sup> at 4:01pm.**

Attorney Lochowicz stated Police Chiefs in the State of Wisconsin serve indefinitely. The best protection for the village is to place a term on the Chief's position. In other municipalities he has dealt with issues and the board's hands were tied. The board does not have to take his recommendation, but this is what he recommends to all his municipalities. The alternative is to appoint a Chief without a term, and he will serve indefinitely absent cause. Attorney Lochowicz does not anticipate any concerns with Lt. Milligan. As the attorney, it's his job to protect the village. The flip side is the Chief is a very important position and they need some security in their role. You don't want your officers thinking they only have this Chief for the next 2 years. The term is contractual. The Chief can be reappointed after the term as many times as the village wishes. This gives the village some protection as in exchange, the Police Chief is very protected per statute 62.13 unless there is a term.

President Connelly feels since everything is driven by money and liability it sounds like a good practice to protect the village as a whole. There is a benefit to go with it if there is a serious problem. This is nothing against Lt. Milligan. The recommendation from General Services and Chief Hammett is to appoint Ryan Milligan. Lt. Milligan stated he was not concerned with a term. Trustee McMahon agrees with the term.

Czaja/Connelly motion to consider a five year term. Trustee Nordmeyer asked if this was going to be tied to the appointment or will there be a second motion to appoint Ryan. Attorney Lochowicz replied the two have to be tied together. If you are going to make a term on the Police Chief, it would require an ordinance change, but this is a contractual agreement we are entering into with Lt. Milligan. Trustee Czaja stated it's possible it needs an ordinance change. Attorney Lochowicz said the ordinance change is not on the agenda. If you are going to appoint Ryan to a 5 year term we do that tonight and then we deal with an ordinance change some time in the future. Trustee Czaja feels this is the fairest way to do it. Trustee Czaja withdrew her motion. President Connelly withdrew his second.

Nordmeyer/Czaja motion to appoint Ryan Milligan as Chief for a 5 year term effective January 21 at 4:01pm. Trustee Czaja feels the selection is outstanding and is very secure in making the appointment. President Connelly noted Ryan is his first choice. Motion carried 5 to 0.

**Procedure for filling the Police Lieutenant vacancy**

There has been discussion with myself, the clerk and the attorney on the logistics of the Police Lieutenant appointment. Lt. Milligan has someone in mind who he feels will be the right person for the job. General Services has discussed this as well. We don't feel anyone in the department has the qualifications and experience to step into the Lieutenant's role. We wanted to make sure we are doing this in a way that is transparent to the public. President Connelly feels we should go with Milligan's

recommendation as the procedure for filling the vacancy. He has lived this every day for the past 18 years and he knows the officers in the county. In the past we have promoted from within. Trustee Nordmeyer felt we don't have anyone with the years of experience. The other route is to go through an entire hiring process and advertise for the position. Milligan has communicated with the candidate and there is interest. General Services has not interviewed anyone.

Attorney Lochowicz suggested 3 options. One, allow the Chief to simply handle the process. You put him in charge of the department now and this is someone he will be placing a lot of responsibility on for guiding the department. Two, do a full blown hiring process involving the committee and board. Part of that is two fold, how much responsibility are you putting on the committee level and how much on the board level. The third option is the board do all the heavy lifting. He has had some boards say they want to do the hiring process and some who feel that's micromanaging and why put a Chief in charge of the department if the board is going to make the decision anyway. Whether it's posted internally or externally is decided by whatever entity or individual you put in charge of this process. There is no requirement that the job be posted or a specific process be followed.

Nordmeyer/Mizialko motion to allow Ryan Milligan to present his candidate to the board as a whole for an interview and discussion, and the board can make the decision to approve the hire. Attorney Lochowicz stated ultimately the board does make the final decision. Motion carried 5 to 0.

**Schedule a public hearing for a zoning amendment to 301 N. Main Street, tax key VWP00053, to change the zoning from R-1 Single Family Residence District to R-3 Multiple-Family Residence District.** This parcel was acquired by the village through a tax foreclosure process. We don't want to keep it and continue to mow the lawn. The parcel is R-1 and is adjacent to the R-3 district. We are not creating an island or doing anything inconsistent with the zoning. This would require an amendment to the comprehensive plan as it does contain the current zoning map. We had budgeted money last year for the sale of that property. To reach that target it would have to be a multi-family dwelling. The rezone cannot be done at the plan level. It has to be done at the board level. If we can get the hearing done by February, Rauland Agency has agreed to list the property by March. It was Rauland's recommendation that if we rezone to R-3, we will get that target price. If we don't we will get half that value. Since it was budgeted, we are trying to hit that target.

Nordmeyer/Mizialko motion to schedule the public hearing for the February 11 Board meeting. Motion carried 5 to 0.

#### **First Draft Resolution for Utility Revenue**

President Connelly created a draft resolution and read it to the board. This is a resolution to designate net surplus funds in the water and sewer utilities. Any net profit made out of the water utility and sewer utility would be used to pay principal and interest debt in the utility. If the utility was completely debt free, at that time it could be transferred to the general fund and be used to pay general fund principal and interest debt. If there is no debt, it will stay in the utility to fund future projects. He would like some thoughts or comments and will present a more formal resolution at the next meeting.

#### **Mecum Agreement Update**

Dave Magers is out of town and will sign the agreement when he gets back. Trustee Czaja asked if the changes made were included in the agreement. Attorney Lochowicz replied the changes were included based upon this board's approval of that agreement, with the changes. The final copy of the agreement that incorporates the changes has been sent to Mr. Magers.

**Standing Committee Reports – Discussion, Consideration, and Action on the following:**

**Finance: Meeting Update**

**a. Contract for Building Inspection and Zoning Services with Ellis Border of Clearline Inspections commencing February 1, 2019**

Our current Building Inspector, Ron Nyman, and Finance Committee recommended approval. Attorney has reviewed the contract as well and there was one small recommended change to paragraph C.1., to include workers comp compliance. He wanted to make sure the village wouldn't be on the hook for workman's comp issues.

Nordmeyer/Czaja motion to approve the Building Inspection and Zoning Services with Ellis Border of Clearline Inspections effective February 1, 2019. Motion carried 5 to 0.

**b. Estimate and Agreement for annual tornado siren maintenance with Emergency Communication Systems in the amount of \$650 for 5 years**

Nordmeyer had noted the \$650 is per year for 5 years. This is an increase of \$50 per inspection. They gave us the option to lock it in for 5 years, which Finance recommended. Nordmeyer/Czaja motion to approve the contract for 5 years. Motion carried 5 to 0.

**c. Professional Service Agreement with HydroCorp for Commercial Cross Connection inspections in an amount not to exceed \$31,080**

We approved the proposal. This is the actual agreement, recommended by Finance.

McMahon/Czaja motion to approve the Professional Service Agreement for \$31,080 for 2 years. Attorney Lochowicz also reviewed the contract with no issues. Motion carried 5 to 0.

**d. Proposed ordinance amending section 9-2-35 Cross Connection Control of the Water Utility Regulations based on recommendations from HydroCorp.**

Attorney Lochowicz reviewed HydroCorp's model ordinance, which is on the Wisconsin Rural Water Association website.

Nordmeyer/McMahon motion to approve the ordinance amending section 9-2-35 Cross Connection Control of the Water Utility Regulations. Trustee Czaja questioned the language in HydroCorp's contract that states they will not enter confined spaces and that we were going to require the company to provide a report to HydroCorp. I don't think Finance thought the language was strong enough. The optional language was noted under item 3 of HydroCorp's model ordinance. CT Waswo stated we didn't want them to have the ability to hire whoever they wanted unless HydroCorp instructs them, due to confined space issues. Currently they have that option and that is what we are trying to move away from.

Attorney Lochowicz did not feel any additional language is required. The ordinance gives the village the right to inspect, whether it be HydroCorp or someone else. The issue is between the utility, HydroCorp, and the property owner. The authority is there to hire someone else to inspect. If HydroCorp comes to us stating they are not going in because of the exclusion in their contract, we have the authority under the ordinance to hire someone else to do it, or we have the authority to force the property owner to do it with the optional language. Attorney Lochowicz feels the model ordinance is appropriate with the optional language. The consensus was to present a final ordinance including the optional language at the next meeting. Trustee Nordmeyer withdrew his motion. Trustee Czaja withdrew her second.

**e. Approve and authorize signatures on Town Bank Resolution 2018 B authorizing the borrowing of \$110,000 for a 5 year term as budgeted**

Nordmeyer/Mizialko motion to approve and authorize signatures on Town Bank Resolution 2018 B authorizing the borrowing of \$110,000 for a 5 year term. This is all our general obligation debt excluding the \$40,000 squad. This borrowing includes the new financial and

utility software, Civic Systems, Glen Fern Construction for ADA accessible to our front doors, village attorney review of the General Code codification, and Howard Street borrowing. CT Waswo noted we can draw on the loan as needed.

Roll call: Czaja, Mizialko, Connelly, McMahon, Nordmeyer voting yes. Motion carried 5 to 0.

**f. Approve and authorize signatures on Town Bank Resolution 2018 C authorizing the borrowing of \$40,000 for a 3 year term as budgeted**

Nordmeyer/Czaja motion to approve and authorize signatures on Town Bank Resolution 2018 C authorizing the borrowing of \$40,000 for a 3 year term. This is the borrowing for the police squad which will be delivered February 25.

Roll call: Czaja, Mizialko, Connelly, McMahon, Nordmeyer voting yes. Motion carried 5 to 0.

**g. Ordinance 2019-1, establishing the 2019 employee wages and salaries**

Nordmeyer/Czaja motion to approve Ordinance 2019-1, establishing the 2019 employee wages and salaries. The increase is 2% across the board. It excludes the election inspectors who were increased above the 2% to help retain and attract inspectors, which was budgeted. Motion carried 5 to 0.

**General Services: Meeting Update**

**a. Alcohol Beverage and Operator's License Application received from Blake Bischke**

Nordmeyer/Mizialko motion to approve. Motion carried 5 to 0.

**Public Works: Meeting Update**

Trustee Czaja noted there was another water main break about 2 weeks ago. The meeting dates have been changed to allow more time to prepare for the board agenda.

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

**Plan Commission: Meeting Update**

President Connelly has a meeting scheduled with Mr. Patzolt regarding the Shodeen development. He will update commission at that time.

**FWWPC: Meeting Update**

President Connelly met with Doug regarding how their budget is structured. He was encouraged by the conversation. A new build out for Kikkoman was approved. They will be handling some of their own pretreatment.

**Emergency Government:** The Fire, Rescue and Police building is still in the design phase. They are looking at using more common areas to help cut costs.

**Library Board:** None.

**Adjournment**

Nordmeyer/Czaja motion to adjourn at 7:25pm. Motion carried 5 to 0.

---

Sabrina Waswo, Clerk Treasurer