

**VILLAGE OF WALWORTH
VILLAGE BOARD**

Monday, June 10, 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, Reiersen, McMahon, Mizialko, Maynard.
Absent: Trustee Nordmeyer. Also Present: Attorney Brad Lochowicz, Police Chief Milligan, Clerk
Treasurer Waswo, Deputy Clerk Treasurer Rogers

Pledge of Allegiance

Approval of Minutes from April 8, 2019 Regular Board meeting, April 16, 2019 Special Board meeting, May 13 Regular Board meeting and May 21 Special Board meeting

The minutes of April 8, May 13th and May 21st were not ready and will be continued to the next board meeting.

McMahon/Maynard motion to approve the April 16, 2019 Special Board minutes with correction of Tim Boss' name. Motion carried 6 to 0.

May 2019 Financial Report

The board reviewed the financial reports.

Approval of May 2019 Village and Water/Sewer Payables including Additions

Finance Committee recommended approval of the payables excluding the Scheer Construction item. The invoice was for the Phase 1 Design of the Emergency Services building. The cost of \$7,000 is to be funded by Impact Fees. President Connelly noted this amount and funding have been approved by the board. They have revised the plans twice and met that obligation. Trustee Czaja noted she will be abstaining from the vote.

Maynard/Mizialko motion to approve payables including the additions and line item for Scheer Construction. Trustee Czaja stated she is abstaining from the Scheer Construction item but approved the remaining payables. It was discussed that the motion is to approve all payables and will have to be voted on as it or amended if Trustee Czaja only wants to abstain from one invoice.

Maynard/Mizialko motion an amendment to approve all payables with the exception of the Scherrer Construction invoice. Motion carried 6 to 0.

McMahon/Maynard motion to pay the Scherrer Construction invoice for \$7,000.

Roll Call: Mizialko, Maynard, Reiersen, Connelly, McMahon voting "yes." Motion carried 5 to 0 with Trustee Czaja abstaining.

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.

Elizabeth Lochner-Abel expressed her concerns with Oak Knolls retention pond and storm drainage. She moved there in the Spring of 1997 and the pond was constantly full. June of 1998 was the first time they had water come up over people's properties. There was major flooding again in 2003, at which time the

village deepened the retention pond and added the berm. In 2000 they were originally told the problem was with the tiling. She said the real problem is the storm water system was capped when the Brennan Subdivision went in, which is why we need the pump to get it out. Water now comes up and around the berm. They are the highest point in the area and had water in their yard because of the berm. The berm is not fixing the problem. The flooding has been ongoing and is something the village needs to address long-term. The village created the flooding in our backyards when they added the berm. She noted she can't get flood insurance because they don't live in a floodplain.

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

Appointment of Kelly Freeman to the Library Board

Connelly/Mizialko motion to appoint Kelly Freeman to the Library Board. Motion carried 6 to 0.

Uniti Towers Letter of Intent to consider possible installation of telecommunications structure/equipment on village property located on Fairview Drive

The letter of intent allows us to proceed forward with discussions on potentially putting a tower on that land. This not a contract, it's nonbinding.

Maynard/Reierson motion to approve letter of intent. Motion carried 6 to 0.

Reierson/Maynard motion to suspend the rules and allow moving up item 11.a. on the agenda. Motion carried 6 to 0.

11.a. Road Race application received from Carlie Blackman for a half marathon on July 11, 2020

Carlie Blackman would like to conduct a half marathon in the village on Saturday, July 11, 2020. The marathon would start at Big Foot High School and go to Seminary Park in Lake Geneva. The race would start at 7:00am and would go east on Devil's Lane to School Road to Cobblestone. She would like to close Devil's Lane from Wood Street to Ridge Road from 6:55am to 7:15am, for the start of the race. Chief Milligan does not see any problem closing the road. He believes Police, Fire and Rescue will be able to handle the race and road closure. She will be promoting the race, notifying the residents, and would like to put up some yard signs along the race route.

Maynard/Reierson motion to approve the road permit and the road closure. Motion carried 6 to 0.

Geneva Lake West Rotary Application for Temporary Class "B"/"Class B" Retailer's License to sell fermented malt beverages and wine on August 3, 2019 at the Corn and Brat Festival held in Heyer Park

Czaja/McMahon motion to approve the Geneva Lake West Rotary Application for Temporary Class "B"/"Class B" Retailer's License to sell fermented malt beverages and wine on August 3, 2019 at the Corn and Brat Festival held in Heyer Park. Motion carried 6 to 0.

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

Finance: Meeting Update

a. Town of Walworth Fire and Rescue Services Contracts

The village received a letter from the Town of Walworth to reopen the contracts. Traditionally every 20 years the Town of Walworth provides one fire vehicle; next year is the 20 years for the town to provide a truck. CT Waswo noted the Fire Rescue Chief would also like to combine the fire and rescue budgets. It would be difficult to follow this contract if the budgets were combined. President Connelly would like to hold a Special meeting to review the contracts, so

all board members understand them. He would like to include Mr. Hubertz (who wrote the contract), the Fire Rescue Chief, and the Board.

b. Anticipated new Clean Water Fund Loan for phosphorus compliance at FWWPCC

We are at the point where we have run out of all the workarounds to be in compliance. Now we have to invest to meet the very high expectation. To actually hit the federally mandated target would be a 10 million dollar investment. We are currently looking at 1.5 million to do a special planting. The Village's portion is \$300,000. We want to make sure the public is apprised.

c. Appointing von Briesen Law Firm as an additional Attorney for the Village of Walworth

The Police Chief and Lieutenant have both worked with von Briesen in the past. We currently use Boardman and Clark for employment law; however, the police would prefer to have someone they have a working relationship with. Boardman and Clark charges \$200 per hour and von Briesen charges \$275 per hour. Attorney Lochowicz stated Kyle Guyla knows police departments and police personnel. He is worth the money.

Czaja/Mizialko motion to appoint von Briesen Law Firm as an additional attorney regarding personnel issues and sign an engagement letter. Attorney Lochowicz noted they are not appointed a village attorney; the board is allowing them to use special counsel. Motion carried 6 to 0.

d. Resolution 2019-4 accepting the 2019 Compliance Maintenance Annual Report (CMAR) for the Wastewater Collection System. This is an annual report. This year our score was an A as we were able to put away the \$90,000 as required.

Czaja/Maynard motion to approve Resolution 2019-4 accepting the 2019 Compliance Maintenance Annual Report (CMAR) for the Wastewater Collection System. Motion carried 6 to 0.

e. Public Works Employee Overtime

We are trying to conform with state statute and employment law. CT Waswo noted this originated from one of the conferences she and President Connelly attended. Public Works employees have been flexing their hours for their Saturday and Sunday rounds. We found out that we cannot flex hours within an 80-hour period. Anything over 40 hours needs to be paid at time and a half or allow the employees to comp the time at time and a half. If they take the comp time, it will not affect the budget; however, any overtime that is paid out will affect the budget. Trustee Czaja stated Public Works Committee considered the item and approved of the schedule change. The personnel manual provides for an accumulation of comp time up to 40 hours per year and if it is not used by the end of the year, it will be paid out. CT Waswo noted this is already written in our personnel manual, so no action is necessary; although it's an internal change from what has been done so she wanted the board to be made aware.

f. Acceptance of donation from Jurg's Greenhouse for flowers in front of Village Hall

Czaja/Reierson motion to accept the Jurg's donation in the amounts as indicated. Rhonda Schwartz offered her time to plant the flowers. Motion carried 6 to 0.

g. Baker Tilly Audit Update

We had one question remaining that has since been answered. We are pending a response from Gwen who is currently on vacation.

h. Filing Declaratory Judgment Action for decision on 301 N. Main Street title

When we decided to sell the property, we located several title restrictions. The prior owners were part of the sovereign citizens nation who do not believe in taxation. The reason the village acquired the property was due to the prior owners not paying their taxes. Attorney Lochowicz noted the declaratory judgment action will remove the title restrictions. Otherwise they could obtain another title company who understands these documents do not have any legal merit. He noted all liens or defects associated with the title are extinguished upon the tax sale. It's just a matter of having a judge say yes, they are gone. That will satisfy the title company.

Czaja/McMahon motion to contact the title company to see if a declaratory judgment action will suffice and proceed with the declaratory judgment action. Motion carried 6 to 0.

i. AV Package for Board Room

President Connelly would like to put together an AV package with a TV for the board room not to exceed \$1,000.

Maynard/Reierson motion to spend up to \$1,000 on an AV package. The expense will be split between the Board and Plan Commission expense lines. Motion carried 6 to 0.

j. Code Analysis Process with Attorney providing suggested changes

We are coming up on a deadline of June 28th from General Code and we are not going to make it. It's a mountain of work. Attorney Lochowicz has offered to go through and create a memo of the changes that the board could approve. The idea is not to prohibit anyone from doing it themselves; we are trying to streamline the process. When the rest of the committee goes through it, they can more easily make a decision. He estimated 10 to 15 hours for review.

Czaja/Mizialko motion to have Attorney Lochowicz do a code analysis, not to exceed the amount budgeted for his services, and provide the board with his recommendations in order to make the process more efficient. Motion carried 6 to 0.

General Services: Meeting Update

b. Full-Time Police Officer Hiring

We currently have 3 part-time officers now. One of those officers is moving to full-time. We were notified another part-time officer currently cannot give us any hours. After July 1st we will only have 1 part-time officer available. Chief Milligan would like to hire 4 to 5 part-time officers. One of the biggest reasons is to see how they work out to potentially hire them for the open full-time position.

c. Original 2018-2019 Operator's License application from Michelle Glaser, Esmeralda Ezquibel and Sefijie Asani (Pending Completion of Beverage Server's Course)

CT Waswo received the completed beverage server's course from Sefijie Asani today. Maynard/Reierson motion to approve the original operator's licenses. Motion carried 6 to 0.

d. Renewal 2019-2020 Operator's License applications as listed in packet.

Reierson/Maynard motion to approve as listed in packet. Clerk Waswo will attach the names to the minutes. Motion carried 6 to 0.

e. Renewal of Alcohol Beverage and Operator's Licenses as listed below contingent upon payment of all outstanding liabilities and delinquencies with the Village of Walworth and wholesaler invoices, and clearance of any Department of Revenue holds:

- **Renewal “Class A”/Class “A” Liquor & Fermented Malt Beverage License applications filed by:**
 1. Daniel's Sentry of Walworth LLC d/b/a Sentry Foods, 681 Kenosha St, Robert Kellner, Agent
 2. Agri Provisions Inc d/b/a Main Street Country Store, 320 S. Main St, Debra Schoenbeck, Agent
 3. Walworth Cellars LLC d/b/a Walworth Cellars, 690 Kenosha St, Jeffrey Froelich, Agent

Maynard/Mizialko motion to approve. Motion carried 6 to 0.

- **Renewal Class “A” Fermented Malt Beverage License applications filed by:**
 1. Daniel's Sentry of Walworth LLC d/b/a Sentry Express, 679 Kenosha St Robert Kellner, Agent
 2. JJF Pacesetters Inc d/b/a Walworth Landing, 680 Kenosha St, Jeffrey Froelich, Agent
- Reierson/Mizialko motion to approve. Motion carried 6 to 0.

- **Renewal Class “A” Fermented Malt Beverage License applications contingent upon Attorney review of Conditional Use Permit and Certified Survey Map filed by:**
 1. Akash Enterprises LLC d/b/a BP Gas and Grocery, 112 S. Main St, Mohan Singh, Agent
 2. Bhatoya Enterprises LLC d/b/a Village Gas and Grocery, 122 S. Main St, Mohan Singh, Agent

Attorney Lochowicz has reviewed the license and conditions of the conditional use permit. He noted whether or not there is compliance with the conditional use is separate from the renewal of the liquor license. Per our ordinance the only way a renewal may not occur is due to financial obligations. If there is concerns from a zoning perspective, that needs to be addressed through that particular channel with the conditional use permit. Otherwise we don't have an issue with a legal perspective with renewing the liquor license.

McMahon/Maynard motion to approve. He has had a license in both the businesses in the past. Motion carried 6 to 0.

- **Renewal “Class B”/Class “B” Liquor & Fermented Malt Beverage License applications filed by:**
 1. Triple Nickel LLC d/b/a 10 Pin Pub, 121 Kenosha St, Andrew Kelly, Agent
 2. MCM Enterprises LLC d/b/a Pino's Last Call, 545 Kenosha St, Carmelo Alfanso Sr., Agent
 3. Siemers Cruise Inn LLC d/b/a Siemers Cruise In, 107 Kenosha St, Heidi Siemers, Agent
 4. J.K. Sweeney's Pub Ltd d/b/a J K Sweeneys Pub Ltd, 103 Kenosha St, Burdette Larson, Agent

McMahon/Maynard motion to approve. Trustee Czaja asked about fire inspections being part of the approval process. Trustee Maynard noted fire inspections in all businesses are done twice a year. Attorney Lochowicz stated fire inspections are part of the application process. Noncompliance could be a potential way to deny a license. Motion carried 6 to 0.

- **Renewal Class “B”/“Class C” Fermented Malt Beverage & Wine License applications filed by:**

1. Sammy's on the Square Inc d/b/a Sammy's on the Square, 105 Madison St, Veli Asani, Agent
2. Kamolwan Thongklib LLC d/b/a Two Sisters Thai, 207 N. Main St, Sasivimor Thongkilb, Agent
3. Nayeli's Pizza Inc d/b/a Nayeli's Pizza & Restaurant, 108 Fairview Dr, Brittany Jariabka, Agent
4. Big Foot Golf Range Inc d/b/a Big Foot Golf Range, 689 S. State Hwy 67, Sheila Brown, Agent

Maynard/Mizialko motion to approve. Motion carried 6 to 0.

- **Renewal Class “B” Fermented Malt Beverage License application filed by Carniceria y Fruteria La Frontera #2 Inc d/b/a Carniceria y Fruteria La Frontera #2, 101 Park St, Juan Marchan Arroyo, Agent**

Reierson/Maynard motion to approve. Motion carried 6 to 0.

Public Works: Meeting Update

a. Remove Rotary Park Contribution Box

President Connelly explained there is a contribution box located at the park that we don't know who has the key to. It advertises donations can be made to the park and volunteers take care of it. That isn't really the case as we do pay Henrik Nor \$250 per year to help maintain the park. We would like to get rid of the box as it is mysterious since we don't know where the funds go. Trustee Czaja stated Public Works Committee recommended it be removed as they felt it was a liability.

Czaja/Mizialko motion to remove the Rotary Park contribution box. Motion carried 6 to 0.

b. Purchase Sewer Lift Station generator from Wacker Submersible & Trash Pumps in the amount of \$24,878.95 and dispose of 30 year old Sewer Lift Station generator

Trustee Czaja said we budgeted \$40,000 for the generator. The 30 year old will be put on the Wisconsin Surplus Online Auction website.

Czaja/Maynard motion to purchase the Sewer Lift Station generator from Wacker Submersible & Trash Pumps in the amount of \$24,878.95 and dispose of the 30 year old Sewer Lift Station generator on the Wisconsin Surplus Online Auction. Motion carried 6 to 0.

c. Cross Connection Program Inspections underway

We have started that program with our Water Operator, Chris Holt. President Connelly posted some information online as residents were questioning it. This used to be done by the Village of Fontana, our prior Building and Zoning Department. We are now handling the residential side internally. We did hire out for the commercial side.

d. Purchase of pump for Oak Knolls Retention Pond, budget 2020

We would like to purchase a pump for the retention pond as we have rented a pump several times in the past year. We feel having the pump available immediately is the least we can do. Trustee Czaja came across a document from 2007 from Foth. They recommended several alternatives including a pump. We have already spent \$3,486 for rental of a pump for two weeks. We had rented a pump previous to this earlier in the spring and rented it last year. Trustee Czaja would recommend this for a capital improvement budget. Foth provided several recommendations

including adding a secondary pond or an additional berm. Liz Lochner-Abel questioned the effect of the storm water once the Shodeen Subdivision is built. President Connelly responded they know this is an issue and Plan Commission made Shodeen install 3 retention ponds that are 200% larger to help with the storm water runoff. Trustee Czaja noted said Public Works is looking at ways to provide funding, such as a stormwater utility; however, the study is pretty costly. President Connelly felt the study would be worthy. President Connelly would like to look for the money in this year's budget to purchase the pump.

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

Plan Commission: Meeting Update

We had carryover from last month. There was a question about a tattoo studio. We found out it's a permitted use.

FWWPCC: Meeting Update.

FWWPCC is looking at the phosphorus for the plant. Trustee Czaja asked for information to provide to the board. President Connelly replied the engineering firm has done an analysis and he will provide information to the board.

Emergency Government: Meeting Update.

Trustee Nordmeyer is unable to chair the Building Committee. President Connelly stated if someone is interested to let him know.

Library Board: Meeting Update.

Today was the first day for kids since school has been out. The Library Director was excited as she had 160 children attend.

Adjournment

Reierson/Maynard motion to adjourn at 7:35pm. Motion carried 5 to 0.

Sabrina Waswo, Clerk Treasurer