

**VILLAGE OF WALWORTH  
SPECIAL VILLAGE BOARD**

Tuesday, June 18, 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 6:03 p.m.

**Roll Call:** Present: President Connelly, Trustees Czaja, Mizialko, Reiersen, McMahon. Absent: Nordmeyer, Maynard. Also Present: Attorney Brad Lochowicz, Clerk Treasurer Waswo, Judge Hubertz, Chief Austin, Deputy Chief Kelley

**Pledge of Allegiance**

**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. None.

**Uniti Towers Letter of Intent Annual Increase Percentage and Board Authority to have Uniti work with Village Attorney on Contract**

President Connelly crossed out the 1% per year and added CPI per year. They have come back and stated they won't do CPI but they will do 2% per year. If we want more than 2%, he will have to go back to his supervisors. President Connelly is okay with 2% per year. It's a 50 year term that would be reviewed every 5 years with a 2% increase every year. They actually would like 90 years. Attorney Lochowicz noted 50 years is standard with these types of contracts. This is just a letter of intent; it is nonbinding. We are not entering into any agreements yet; this just allows for future discussions.

McMahon/Mizialko motion to have President Connelly execute the letter of intent with specific terms of \$900 per month, 2% escalator and proposed lease terms of 50 years. President Connelly explained Shaun from Foth spoke about this last night at the Plan Commission meeting. Our laws are unclear on how they relate to communication towers in the village. Our ordinances state the M1 District is the only zone that can accommodate communication towers. Our ordinances are in violation of new state laws that say communication towers have to be allowed in any zone. Our laws can be found inappropriate. The only thing we can use to regulate towers is state statute. Attorney Lochowicz is in agreement. He explained if the board is going to deny it, it has to be denied on a different basis than that. The law has changed similar to other types of items, such as windmills. It has really opened up on where those can be placed. President Connelly pointed out these new laws clear up the legal end. Motion carried 5 to 0.

The second part is allowing them to work with our Village Attorney to draft an agreement. Trustee McMahon does not have a problem with it. Attorney Lochowicz explained there are certain things that are policy that this board sets. He is happy to take their proposal, but he doesn't have the authority to negotiate on those. They probably have pre-drafted contracts related to these issues. Most of the language is boiler plate.

Reiersen/Mizialko motion to authorize Attorney Lochowicz work with Uniti Towers on a first draft of a legal agreement on a tower lease. Motion carried 5 to 0.

### **Closed Session**

To consider a motion on whether or not to conduct a closed session in accordance with Wis. Stats. 19.85(1)(e); Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session related to:

- a. Sale of 301 North Main Street Property
- b. Town of Walworth Fire and Rescue Contracts

Czaja/Reierson motion to go into closed session at 6:12pm.

Roll Call: Czaja, Mizialko, Reierson, Connelly, McMahon voting “yes.” Motion carried 5 to 0.

### **Open Session**

Return to open session pursuant to Wisconsin Statutes 19.85(2) and take action on any items discussed in closed session

Czaja/McMahon motion to go into open session at 7:30pm. Motion carried 5 to 0.

Mizialko/McMahon motion to authorize President Connelly to contact David Rowbotham to set up a meeting between the two boards. Motion carried 5 to 0.

### **Adjournment**

McMahon/Mizialko motion to adjourn at 7:31pm. Motion carried 5 to 0.

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Sabrina Waswo, Clerk Treasurer