

**VILLAGE OF WALWORTH  
VILLAGE BOARD**

Monday, September 9, 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, McMahan, Mizialko, Maynard, Nordmeyer. Also Present: Attorney Brad Lochowicz, Police Chief Milligan, DPW Boss, Clerk Treasurer Waswo, Deputy Clerk Treasurer Rogers

**Pledge of Allegiance**

President Connelly mentioned his father was recently in a car accident. He thanked the Police Department and Emergency Services.

**August 2019 Financial Report**

The board reviewed the financial reports.

**August 2019 Village and Water/Sewer Payables including Additions**

Czaja/Mizialko motion to approve the village and water/sewer accounts payable. Unanimously carried.

**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.**

Diana Brower, 920 Williams Street, stated she has lived in Oak Knolls since 2007 with her husband, Jeff. She noted previous trustees since 1993. She provided history regarding construction of Oak Knolls. She was involved in the Oak Knolls Association. In 1995, The Times newspaper had an article noting concerns about Oak Knolls not having an outflow. In 1997, Fred Schubert, a resident of Oak Knolls was concerned about the houses constructed in violation of the square footage, which the developer ignored. In 2007, the Oak Knolls Association wrote to Senator Kenzie, stating the Walworth Village Board was permitted the habitation of homes built in violation of the building code along the Oak Knolls retention pond. As constructed these homes are subject to periodic flooding from runoff from Lake Petit. The Village Board refused to correct the situation or assist homeowners who are facing flooding. In 2008, a citizen comment from Trudy Schubert, noted concern about Oak Knolls flooding. The board stated the solution will happen when Big Foot farms is constructed. Diana does not feel that is the correct way to handle it. Paul Lauterbach moved in 2000, in June of 2008 there was no water and by July there was water throughout his basement. At that point there was another article about a pipe to nowhere. The board contracted with Foth engineering who found there was no pipe, it was blocked. She stated her point is, this was not handled many, many times. More homes are going in and more subdivisions are being constructed. She questioned if this board will handle it. She listed the options that Foth had provided to the board. At that point, the Village hollowed out the french drain and raised the sides of the retention pond. Before, there was a slope to the retention pond. Now the water started pooling in people's yards with no outflow. She stated Rasmussen said let's see what happens and wait until the next event. Diana believes the next event happened this summer. She blames every trustee that was on the board from 1995 to now. The Village has known since it was built that there was no outflow. Lake Petit is not a small lake and it is filling up 5 times faster than it did. She feels there needs to be an outlet. She pleaded for the board to do something about the overflow and an outlet for Lake Petit. She noted her home has never flooded. She appreciates the current board members, but it can't be kicked down the road anymore.

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

**Uniti Towers Lease Agreement**

Attorney Lochowicz provided a lease agreement to the board. The term continues until the tenant would terminate the lease, up until the final term, which is 45 years. It's a long term but given the nature, it makes sense. They have communication equipment, and don't want the village to be able to pull it out. The option can be transferred, sold, or assigned to another entity, but they still would have to abide by the terms and option of the lease. President Connelly stated there is more steps to this other than just the lease. The order of operations is to proceed with the lease first and then a site plan, which needs to be approved by the Plan Commission. If we can execute the lease, we can move forward with the project. McMahon/Maynard motion to approve Uniti Towers Lease Agreement. Connelly noted other companies can co-locate on the tower. He believes the board should legislate about co-location similar to Walworth County. Unanimously carried.

**Uniti Tower authorization to create an escrow account in the amount of \$5,000**

Providing an escrow account gives AT&T piece of mind, as they felt the cost recovery was a blank check. The escrow account will be in the amount of \$5,000. They agreed to add more funds if the balance gets within \$500.

Czaja/Reierson motion to create an escrow account with Uniti Tower in the amount of \$5,000. Unanimously carried.

**Codification Revisions Update**

Attorney Lochowicz finished his review and is preparing his memo. There are a few policy decisions related to fines and forfeitures. The memo will be sent to Finance for review.

**Filing Declaratory Judgment Action on 301 N. Main Street Update**

At the last meeting we were trying to locate the defendants for service. There is a window of time to file or else the complaint gets missed. We have to do a diligent search and notify them by certified mail at the last known address. They have 20 days to answer. If there is no answer, then we will file for default judgment.

**Attorney report on Revised Fire/Rescue Bylaws**

Attorney Lochowicz has been through the revised Fire/Rescue Bylaws. He put a memo out today. He's requested they meet in closed session; not for anything controversial, just to clean up some legal matters. A special meeting will be scheduled next week.

**Village logo proofs for review – Neal Aspinall**

President Connelly presented the logos received from Mr. Aspinall. The board reviewed the logos, which will be sent to committee.

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

**Finance: Meeting Update**

**a. Request from Nationwide on Fixed annuity Contract for 457(b) Deferred Compensation Plan**

There is an optional Nationwide plan for employees, which no one has signed up for this. Nationwide is getting rid of the annuity and moving to an alternate investment product. If we take no action, they will just do that. Finance recommended doing nothing. The consensus of the board was to do nothing.

**b. John's Disposal Fee Increase Request**

John's is asking for a 10% increase. We just signed an agreement with them in January and they are coming back asking for 10%. By asking for an increase, the contract states the Village can cancel the agreement at the end of the year. President Connelly doesn't feel they are interested in cancelling or interested in a 10% increase. The recommendation from Finance is to do nothing. The contract is locked in at consumer price index. Trustee Nordmeyer stated their letter is vague and wondered if the increase is due to the recycling costs from China. President Connelly noted Finance believes it is. We worked with them in January by changing the bulk collection, which was supposed to be a cost savings for them. He believes this is a decrease in service, and has not heard anything positive about it. The consensus of the board was to do nothing.

**c. Walworth County Economic Development Alliance 2020 contribution of \$500**

This is a recommendation from Finance. President Connelly said they help with training, recruiting, and connecting communities, and feels they are a worthy organization. East Troy is a good example. Their downtown has really turned around in the last 15 years. Trustee Czaja recommended they speak at Plan Commission.

Czaja/Reierson motion to contribute \$500 towards WCEDA. Unanimously carried.

**d. Big Foot High School request to waive cost recovery fees**

Big Foot High School is engaged in beefing up the stormwater management for the back of the property. We had residents complain, which triggered a meeting with Hellas, our Building Inspector, and our Engineer. The idea was to get the water flowing the way it was before the project started. They are going to do better than that and dredge out and increase the size of the swale. They are pulling out the box culverts and installing a foot bridge. They are asking if the village will work with them on the fees. Finance Committee would like to wait and see what the total costs are before waiving any fees. The village still has to pay the Engineer, which is not in the budget. The item will be placed on a future agenda.

**e. Use C&C Technologies escrow towards outstanding past due invoice in the amount of \$1,007.83 from December 14, 2017**

This item is clean up from a punch list we had. Finance recommended paying the outstanding invoice out of their escrow.

Czaja/Reierson motion to pay the past due invoice in the amount of \$1,007.83 out of C&C Technologies' escrow funds. CT Waswo noted two letters were sent notifying them of the use of their escrow funds if the past due balances were not paid. Unanimously carried.

**f. Request C&C Technologies increase escrow and provide bids to repair sidewalk slope in the Walworth Prairie/Windmill Meadows subdivision**

This is an outstanding item from their punch list. C&C needs to be notified that the village is intending to fill in the slope. The cost estimate is \$25,000 for the ditch.

Czaja/Maynard motion to appeal to C&C Technologies to increase the escrow to \$30,000 to cover the sidewalk and slope and provide a return response. The homeowner's association has spoken with Trustee Czaja and are concerned with the sidewalk. Unanimously carried.

**g. Reallocation of Wickstrom Funds for Park Maintenance**

Finance Committee would like these funds opened up to all parks in the village. With the addition of the High School athletic field, certain items are no longer needed, such as netting.

Czaja/McMahon motion to have Attorney Lochowicz appeal to the court to reallocate the Wickstrom Funds for use in all parks. Unanimously carried.

**h. Contract with Utesch for Toynton Park Kitchen and Bathroom Improvements in the amount of \$9,781.95**

Trustee McMahon stated Utesch was going to review the numbers to see if some costs could be eliminated.

Czaja/McMahon motion to contract with Utesch not to exceed \$9,781.95. Trustee Czaja has been in contact with Mr. Grunnow who is ready to do the floors at no cost. Unanimously carried.

**i. Lakeview Phase I replacement of ditches**

Public Works discussed the first phase of the project based on the engineer's report. The issue is financing. Trustee Czaja stated it's a policy question if part of the work would be specially assessed. President Connelly noted if stormwater improvements are added to the village, the village has an obligation to maintain them. Trustee Czaja pointed out we have an ordinance stating the maintenance of the property is the responsibility of the homeowner. She questioned if we are installing new culverts, can that be specially assessed. Attorney Lochowicz believes they can but would like to review the statute to verify. Item was referred to Public Works pending a response from the Attorney after his review of the statute.

**General Services: Meeting Update**

**a. Original 2019-2020 Operator's License application for Brittney Strathmann**

Nordmeyer/Maynard motion to approve the Operator's License application for Brittney Strathmann. Unanimously carried.

**Public Works: Meeting Update**

**a. Billing Adjustment request from Corrisa Spangenberg, 306 Kenosha Street**

Public Works Committee recommended reducing the billed usage of 78,000 gallons to the average usage. The property owner wrote a letter stating the damage was due to a leaking toilet and provided invoices showing it has been fixed. The average usage would be 23,250, which amounts to a \$277 credit.

McMahon/Reierson motion to approve a billing adjustment in the amount of \$277.

**b. Refund \$50 park rental fee to Susie Fairchild and retain \$50 park security deposit from Lighthouse Full Gospel Church**

Susie Fairchild addressed a letter stating she rented the park and was unable to use the kitchen. The Saturday of Mrs. Fairchild's rental, Full Gospel Church, who rented the park for Sunday, brought in all their food and used the counters and refrigerator. Mrs. Fairchild was not able to use the kitchen facility.

Czaja/McMahon motion to refund the \$50 park rental fee to Susie Fairchild and retain \$50 of Full Gospel Church's security deposit. Unanimously carried.

**c. Walworth County Public Works Memorandum of Understanding regarding salt fees**

This is the yearly agreement with Walworth County.

Czaja/Maynard motion to enter into the Memorandum of Understanding with Walworth County. Unanimously carried.

Trustee Czaja added in reviewing the budget we had a repurposing of funds for roads. We are looking into resurfacing Fairview, south Randolph and a portion of Plafield Court this year. We will be meeting with Wolf Construction tomorrow.

We will be discussing Winter and Autumn Drive cul-de-sacs at Plan Commission with Jerry Brennan. It would cost about \$29,000 to fix, which would come out of the subdivider's letter of credit with Brennan's approval.

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

**Plan Commission: Meeting Update**

**a. Complaints from Oak Knolls residents regarding flooding issues.**

President Connelly noted he heard quite a few similar stories to Diana's. The most moving was Bernardo Hernandez. His house has flooded twice this spring. He had proposed moving, but his children do not want to leave the village. They love Walworth. They have had several residents speak out about the flooding. Ham Dowden came to the board earlier in the year to discuss the issues on Howard Street. Connelly spoke to Bruce Nelson about the flooding in front of his house on Randolph Street. Aside from the berm, the village has not done a whole lot to improve stormwater management in the village. He will discuss creating a special fund with the auditors under its own line item. He feels it's time to borrow to tackle these issues. The 2008 proposals from Foth need to be updated by Baxter Woodman.

Trustee Czaja may have an alternative proposal for the engineers to look at for Bonito and Howard Streets. President Connelly feels we need the engineers help to look at the whole village. It's the village's responsibility to maintain the infrastructure; whether it's through special assessments or village funded, something needs to be done. The item will be discussed at Finance with the budget.

**FWWPCC: Meeting Update.**

There will be a presentation at the meeting tomorrow. President Connelly brought up the \$90,000 that we put away last year for the replacement fund as a covenant to the bond issued in 2010. The bond says we have to put away \$90,000. Baxter Woodman located a letter from the DNR admitting they were double dipping. They were making the village pay into a replacement fund at FWWPCC and put away \$90,000. The DNR reduced the amount to \$8,000 a year, which we have been putting away every year since 2011. Last year we increased it by \$34,000 to get to the full \$90,000, but we didn't need to do that. The Utility has about \$36,000 that doesn't need to be in the replacement fund.

**Emergency Government: Meeting Update.**

The Police Chief and Fire/Rescue Chief are going to Emergency Government training.

**Library Board: Meeting Update.**

The Library received a large donation from Linda Leyden. We also just had Jim Haeni Day. Funds were donated in his name for the purchase of a chair at the Library.

**Adjournment**

McMahon/Nordmeyer motion to adjourn at 7:32pm. Unanimously carried.

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Sabrina Waswo, Clerk Treasurer