

**VILLAGE OF WALWORTH
VILLAGE BOARD**

Monday, November 11, 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 6:01 p.m.

President Connelly acknowledged the 100th anniversary of Veteran's Day and read a letter by Woodrow Wilson.

Roll Call: Present: President Tom Connelly, Trustees Louise Czaja, Dan Mizialko, Kristi Reiersen, Pat McMahon. Absent: Trustee Randy Maynard. Also Present: Police Chief Ryan Milligan, DPW Tim Boss, Clerk Treasurer Sabrina Waswo, Deputy Clerk Treasurer Lisa Rogers. Present in Audience: Attorney Brad Lochowicz and Attorney James Duquette.

Pledge of Allegiance

October 2019 Financial Report. The board reviewed the financial reports.

October 2019 Village and Water/Sewer Payables including Additions

Czaja/Reiersen motion to approve payment of the Village and water/sewer payables including the 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.

Becky Lauterbach, 914 Bennett Court, stated the pond is full and it doesn't appear there is any ongoing pumping. This was concern as last spring it overflowed, and it had been empty, now it's full. She wondered if anything is planned or will it sit full until it evaporates. DPW Boss replied there is no plan; he is hoping it drains over the winter. It is still running into the pond today. Connelly said the Board is very focused on long term solutions for the whole subdivision and balancing short and long term plans against available funds.

Tracey Scott, 924 William Street, stated one of the drainage pipes runs next to her hose. She assumes the pipe is full of water and questioned if it will freeze and burst. DPW Boss stated pipes usually burst when they are under pressure. This one is not; it will expand one way or the other.

Pat Grams, 932 Laurie Ct, voiced concerns about picking up the sandbags. He thought we could have used those in different out buildings in the neighborhood. He isn't going to use his shed because it will get flooded. DPW Boss stated sandbags are on pallets in the shop and ready to go. There is sand by the compost drop off site. Pat stated in response to a previous meeting he attended where the Village talked about not having feedback from the subdivision, he went around the neighborhood and created a list of the addresses for 98 lots in the subdivision. He crafted a letter inquiring about flooding and other damages incurred by residents in the neighborhood. He gave it to the Ekman's to distribute but suggested perhaps the Village could use it to distribute instead. Connelly thanked him for his efforts and stated the letter Mr. Grams crafted is wonderful but asks for more information than the Village was instructed to gather thus, he doesn't feel it would be appropriate for the Village to send the letter out. It is better suited to a neighborhood effort.

CT Waswo noted 27 letters were mailed October 31 to addresses on Williams, Bennett, and Laurie Court. We have received 4 responses. Connelly suggested we go door-to-door to obtain the remaining responses.

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

2020 Utility Budget and Publication

Czaja/Mizialko motion to approve the Utility Budget Summary for publication. Motion carried 5 to 0. The Public Hearing will be on the same day as the General Fund Budget Public Hearing, Nov. 19.

Update on Baxter Woodman Village Storm Water Drainage Study

Connelly recently got an email from Baxter Woodman; they want to do a field study. Jonathan Stinebock is asking to come out in person to understand what occurs during heavy rain events. We provided extensive videos and aerial photos. Shodeen provided approximately 100 aerial photos from the 2008 flood. He has looked at all of that but wants to see it in person. Connelly has standing permission to go out on the Pines of Big Foot land. He'll take him out there next week with DPW Boss. Their timeline suggested the study be completed by the end of February.

President Connelly participated in a meeting at the County involving a group of homes on the north shore of Geneva Lake in the Town of Walworth. The families of Bob Youngquist and Rosemary Trout have owned those properties for over 100 years. Youngquist has water funneling down his property into a drainage culvert and pipe that is shooting water in the lake that has not stopped flowing since April. The Trout house is converting back into a wetland; the yard is unusable and smells. Connelly stated this is notable as it shows the increase in the water table. The level of water in Lake Geneva is extremely close to record high. Lake Michigan is at a record high since recording on that lake started. The Engineers at that meeting stated the 100 year and 25 year storm figures are obsolete. Our Village Engineer stated our ordinances need to increase benchmarks for new developments as we pass current benchmarks every time it rains.

Environmental Loan Programs and Fund Submittal Authorization Certificate

Baxter Woodman came across this when looking at our drainage study. It doesn't bind us to anything but may help with a zero percent or low interest loan with the State.

Mizialko/Reierson motion to approve execution of the Environmental Improvement Fund Online Submittal Certificate. Motion carried 5 to 0.

Change of Village Attorney and/or Village Law Firm

Our current Village Attorney is Seymour, Kremer, Koch. Brad Lochowicz who has been helping us through that firm, has branched out on his own. There was discussion about our options and the pros and cons of staying with the current firm, or switching to Brad's new firm, or a combination of the two. It was noted the files stay with the client, not any given firm. Trustees expressed wanting to continue with the same person currently involved with our recodification project. Brad has put a lot of work in on that. There was discussion about when and how appointments are made regarding Legal Counsel.

Mizialko/McMahon motion to approve Attorney Lochowicz continue to handle the Village of Walworth's prosecution and legal firm. There was further discussion about options and the correct procedure to officially appoint Lochowicz and Venema LLP as Village Attorney. Connelly recommended the motion be withdrawn and motion to terminate present services first. Mizialko withdrew his motion, McMahon withdraw his second.

McMahon/Mizialko motion to terminate the service of Seymour, Kremer, Koch with the Village of Walworth effective immediately. Motion carried 5 to 0.

Connelly/Mizialko motion of intent to appoint Lochowicz and Venema LLP as Village Attorney. Motion carried 5 to 0.

Civic Systems Service Agreement for MiViewPoint Cloud Hosting

Cloud hosting would allow specified users to access our information from Civic in real time. Our IT suggested it would be better to have Civic host it instead of the Village. CT Waswo was able to get 1 year of free hosting as we have been paying for it but not able to use it. Service will be \$50 per month thereafter.

Czaja/Reierson motion to contract with Civic Systems Service for MiViewPoint Cloud Hosting. Motion carried 5 to 0.

Wickstrom Fund Court Proceedings Update

The court date is Nov. 27 at 8:30 a.m. No one is required to attend. The Judge will decide if we can use those funds for other park expenditures.

Uniti Tower/AT&T Update

Uniti Tower will be at Monday's Plan Commission meeting where we will schedule Public Hearing. The only question thus far from our Planner is there is no landscaping plan. Planner and Connelly feel the Conditional Use process will allow us to establish landscaping guidelines. We have heard back from the Homeowner's Association that they don't want to look out and see the base of the tower, they would like to have evergreens or something to obscure the base. The Homeowner's Association has been in direct contact with Uniti Towers and have had all their questions answered.

Village Logo Review: Feedback has been sent to Neil. He will come back with some refined ideas.

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

Finance: Finance Committee did not meet.

General Services: Meeting Update

- a. **Original 2019-2020 Operator's License applications for Maria Perez Montes, Suzanne Dorsey-Sterling, and Donna Blankenship**

Connelly/McMahon motion to approve Operator's License applications for Maria Perez Montes, Suzanne Dorsey-Sterling, and Donna Blankenship on behalf of General Services Committee. Motion carried 5 to 0.

Public Works: Meeting Update

- a. **Peterson Farms Application for consideration of Water & Sewer Billing for N899 Hwy 14**
DPW Boss stated it's a township property that acquired water service from the Village years ago to feed the farm and goes into the barn. Lines were old and they had a leak, which has been fixed. There is no sewer. The best we can give them is the lowest possible rate for the water. Public Service Commission does allow us to adjust the rate. There was a lot of discussion at PW meeting. The Peterson's are not in the Village but have water hook up to the Village. Trustee McMahon asked about continuing to allow that. Boss noted in the news there are other townships accruing water and sewer hookup. They have to hook up to sewer and pay rates within 20 years. There are impact fees involved that pay for the mains. Attorney Lochowicz stated there is nothing wrong with providing services outside the Village.

Czaja/McMahon motion to charge Peterson Farms the lowest Public Service Commission rate due to the volume of a leaking pipe. Motion carried 5 to 0.

b. DNR Sanitary Survey Report and Notice of Compliance, including modifying the Water Tower drainage pipe in the amount of \$5,000

The Firm is currently submitting plans to the DNR for them to review and okay. It is high due to the specialty nature of it and the steps involved. The actual cost is \$5,500. We have to have approved plans from the Engineer submitted to the DNR for approval. We will need a special plumber. There is also a \$7,000 additional expense next year requiring containment of chlorine, chemicals in the wells. KLM is going to inspect the vent on the top of the tower. Current mandates require 24 inches with special sealing, ours is not. These are being mandated to provide safety and security of our water system. Boss has corrected other issues. Trustee Czaja noted we have a letter to mail off to conform to their requirements. Boss will have to file for an extension as he may not be able to get the welding and painting done due to weather.

Czaja/McMahon motion to approve an amount not to exceed \$5,500 to modify the Water Tower drainage overflow pipe. Motion carried 5 to 0.

c. Use of Tax Incremental Financing (TIF) funds to upgrade Windmill Prairie pond and sidewalk. Trustee Czaja stated currently there is a \$10,000 deposit from C&C Technologies that would not cover what is required to fix the sidewalk. DPW Boss stated the slope is severe and will require work to get it where it needs to be for safety. Connelly feels the TIF district is gaining momentum and we should not spend it on little projects. Estimates we have are old and costs have gone up thus we should get new proposals. We will have the Attorney send a letter to the developer's attorney, Seymour, Kremer, and Koch.

Czaja/Connelly motion to get updated cost proposals to complete the work needed to upgrade Windmill Prairie pond and sidewalk. Motion carried 5 to 0.

d. Increase Standby Sewer Charge on vacant lots with available sewer service

Trustee Czaja stated we have an ordinance on record that provides a \$10 charge for sewer service available for anyone that is not connected to it. We haven't been charging this to date. Since our sanitary sewer is not regulated, we can set a fee. It's an annual fee on the tax roll as a special charge. We don't yet know what other municipalities charge but should enforce what we already have on record. Consensus of the board was to proceed with adding the \$10 charge per ordinance to the vacant lots on the 2019 tax bills.

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

Plan Commission: Meeting Update

a. Looping the roads and utilities in Brennan Subdivision

Trustee Czaja noted the DNR does not look kindly on dead-end water service. This will be added to the next Plan Commission agenda. This coming Friday there will be a couple thousand people for a division 4 playoff game at the new athletic field. Boss noted the water system has been shut down by the high school as those buildings are not heated and they didn't want their pipes freezing.

FWWPCC: Meeting Update

Strand has submitted application with the State for the phosphorus removal project. Connelly will check with Fontana to see if they have heard anything.

Emergency Government: No update.

Library Board: A group came down with exotic animals. It was a great program with 70 kids attending.

Adjournment: McMahon/Mizialko motion to adjourn at 7:27 p.m. Motion carried 5 to 0.

Sabrina Waswo, Clerk Treasurer