

**VILLAGE OF WALWORTH
VILLAGE BOARD**

Monday, December 9, 2019, 6:00 p.m.
Village Hall, 227 N. Main St., Walworth, Wisconsin

MINUTES

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

Roll Call: Present: President Tom Connelly, Trustees Louise Czaja, Dan Mizialko, Randy Maynard, Kristi Reiersen, Patrick McMahon. Also present: Attorney Brad Lochowicz, Lt. Alonzo, Clerk Treasurer Sabrina Waswo, Deputy Clerk Treasurer Lisa Rogers.

Pledge of Allegiance

Approval of Minutes from the July 8, August 8, and September 9, 2019 Regular Board meetings, and October 24, 2019 Special Board meeting

Czaja/Reiersen motion to approve the minutes as presented on the agenda. Motion carried 6 to 0.

November 2019 Financial Reports – Village and Water/Sewer Budgets

President Connelly gave an update on the software conversion.

November 2019 Village and Water/Sewer Payables including Additions

Trustee Czaja noted we received a proposal from Lakeside International Trucks. Lakeside would like us to sign a pre-agreement price quote as part of a package to lock in the rate before prices go up. Finance has looked at this item and recommended approval.

Czaja/McMahon motion on the proposal from Lakeside International Trucks, Janesville for the Model 2019 CV515SFA to approve the document for signing by the Village President to lock in the price. Motion carried 6 to 0.

We also received a letter from Miller-Bradford & Risberg Inc. regarding the Case 521 Wheel Loader. They requested the Village send them something on Village letterhead or minutes stating our intent to purchase the loader so they can get our order in so it will be ready in January.

Czaja/Maynard motion to approve sending a letter of intent to Miller-Bradford & Risberg, Inc. for the new Case 521 Wheel Loader in the order amount of \$157,658.00. Motion carried 6 to 0.

Czaja/Maynard motion to approve the payables for the Utility and General Fund as listed including the additions. Motion carried 6 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

Diana Brower, 920 Williams Street, spoke at length about the flooding in Oak Knolls Subdivision. Her house had flooding. She had planned on moving prior to the flood and currently has her house up for sale. Eighteen potential buyers have come through thus far. She spoke in depth about the potential buyer's apprehensions, which center on the water damage and potential for it to occur again. Air quality was poor following the flooding, including a dead fish smell. Air quality is better, and the pond is draining but water is still coming over the road in the Pines of Big Foot and has not stopped since April. She spoke of hardships her neighbors have endured due to the flooding and that some costs were not passed onto the Village. Neighbors were not able to use their backyards, one has no grass, some worry every time it rains. She expressed concerns about what kind of message the Village is sending to potential citizens, and that flooding

concerns have been ignored by past Boards. She claimed two past Village Presidents were dishonest. In 2008 it was decided there was no outlet, that means homeowners will not be able to get insurance until there is an outlet. An engineer came up with suggestions which were ignored by past board members. A past President took the wait and see approach. If you don't act, you will create a subdivision that is an eyesore. The retention pond is above normal level. She has lived there since 2004, normally there is not much in it, now it is ¾ full. There needs to be an outlet. Inaction compounds the problem. In 2008 the cost to fix would have been \$459,000, today the cost is much higher.

Paul Lauterbach, 914 Bennett, wasn't sure if it would be addressed on item 15.a. (FEMA Flood Mapping Meeting Update), but he is hoping there will be a decision made and a definitive timeline.

Lori Peska, Stateline Road, does not live in Oak Knolls. She stated her house has flooded as well as her neighbors. They are looking for some relief.

Ken Miller, Stateline Road, is in the same situation, and still taking on water. If you go on google maps you can follow the drainage right down to Stateline Road. The problem not only affects Village residents, but also affects the Township residents.

Steve Dowden, 938 Laurie Ct, Oak Knolls Subdivision, saw the newspaper correspondence with the Town, and was wondering if the Village received a response. President Connelly responded we have not received a response from the Town, they tabled it.

President Connelly thanked the public for their comments and stated the board does take those seriously.

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

Appointment of Trustee Position to fill LeRoy Nordmeyer's spot expiring April 2020

If a trustee resigns after July, by statute we cannot have a special election. The Board can appoint someone to fill the spot or wait till the Spring election. If someone wants to run for that seat, they can fill out nomination papers now for the Spring election. Trustee Maynard asked if the Board appointed someone would they be re-elected. President Connelly clarified anyone appointed would be running as an incumbent in the Spring election. Trustee Czaja believes in the election process and stated 3 people are circulating papers now for the 3 seats that will be on the ballot. Czaja would like to follow the election process due to the timeline. President Connelly agreed that waiting and letting voters decide sounds best. CT Waswo stated nomination papers are available in her office as well as online for anyone interested.

Czaja/Maynard motion to allow the election process to provide people with the access to take out nomination papers if they choose and run for the board. Motion carried 6 to 0.

Resolution 2019-9, a Resolution Appointing Election Inspectors for the 2020-2021 Term

President Connelly read the list of Election Inspectors to be appointed.

Maynard/Mizialko motion to approve Resolution 2019-9. Motion carried 6 to 0.

Police Department Staff Promotions for Sergeant Detective, Full-Time Officer and School Resource Officer Positions. This is part of the union contract negotiations; the Chief and Lieutenant would like a path for an upward mobility for their officers and take on more responsibility. They have determined a 5% pay increase over patrol would be appropriate for both positions contingent upon the agreement of the union contract. Lt. Alonzo stated they are currently down 2 full-time officers and have been short an officer since last year. Heath Gascoigne would be promoted to full-time, Jessie Vogt will be promoted to Sergeant Detective, and Sean Cottini will become the School Resource Officer.

McMahon/Reierson motion to appoint Jessie Vogt to the Sergeant Detective contingent upon approval of the union contract. Motion carried 6 to 0.

Maynard/McMahon motion to promote Heath Gascoigne as full-time Officer effective January 1, 2020. Motion carried 6 to 0.

No motion needed for the School Resource Officer.

Trustee McMahon questioned if finding officers is a nationwide problem. Lt. Alonzo acknowledged it is. He teaches at the academy and was able to find part-time officers that way. It has become more competitive when other departments can make lateral transfers.

Establishing a local fund for donations

Connelly would like to formally establish a Disaster Relief Fund. We have some organizations that want to help specifically with the flooding at Oak Knolls. President Connelly has spoken with Attorney Lochowicz and the County. We can establish a fund and be transparent about it with how funds are accepted and used. Connelly feels we should have a motion to establish the fund. Czaja brought up Community Chest and discussed the pros and cons of reinstating it or using something similar. It was decided that since Community Chest was a joint effort with the Town, it would be better to have a dedicated fund solely for the Village. There was further discussion about how to take in the monies, how to track them, and how to decide who gets the monies and how much. Potential recipients would have to fill out an application. Connelly stated disasters fall into three categories: mitigation, response, recovery. Mitigation is prevention, such as engineering and other proactive activities. Response consists of things done to respond to the actual disaster such as sandbags and dumpsters. Recovery would cover such items as replacing HVAC, berming and grading. Connelly feels a split of 15% mitigation, 15% response, 70% recovery would be a good starting point for allocating funds. FEMA would be a footprint we use as a basis for what gets covered. Connelly has spoken with the Lyons Club who requested a formal letter from the Village saying we have established this disaster relief fund, this is how it will be accounted for, and this is how the money will be spent. Connelly wants to establish a fund now to not lose out on the donation potential. Czaja questioned our staff capabilities to handle it and brought up our Emergency Government Program. Connelly suggested perhaps this could be handled on the Fire/Rescue side with the Emergency Government Director. Question from citizen present, Kelley Freeman, asking if there should be written bylaws as this board won't always remain the same. Establishing this fund should be well-documented and planned so these monies all go for what they are intended.

Trustee Dan Mizialko left at 6:42 p.m.

Maynard/McMahon motion to establish a Disaster Relief Fund and accept the donated funds. Motion carried 5 to 0.

Reierson/McMahon motion to send the policy creation for how this money is going to be handled to General Services Committee and Finance Committee. Motion carried 5 to 0.

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

Finance: Meeting Update

Whitetail Ridge Homeowner's Association Petition concerning the safety of Owl Lane gate

Whitetail Ridge Homeowner's Association submitted a letter dated November 19, 2019 to the Village requesting the Village pay for half of the \$5,220 cost to replace a broken gate within the subdivision, for which they wanted a response within two weeks of the letter. They also submitted a petition signed by all the subdivision homeowners stating they wish to close the gate permanently if the Village would not pay for half of the cost. The Village did not have any meetings within the timeframe of the letter's request. President Connelly did not feel it was necessary to hold a special meeting as a previous motion in August of 2018 by the Board was unanimous not to pay for any further repairs. Trustee Czaja felt we should draft a

formal letter confirming the Village's stance. President Connelly said he will work with Attorney Lochowicz and John Tracy of Tracy Group to come up with an amicable solution.

Czaja/McMahon motion to formally respond to Whitetail Ridge Homeowner's Association. Motion carried 5 to 0.

Ordinance 2019-5, an Ordinance establishing the 2020 Employee Wages and Salaries

Czaja/Reierson motion, on the recommendation of the Finance Committee, to review adopt ordinance 2019-5. Motion carried 5 to 0.

Managed Service Provider Contract for Election security monitoring

Finance didn't make a recommendation on this yet. We were waiting on more information regarding billing rate of \$95.00 per hour. This is Dan's standard rate and would only apply if something goes wrong. CT Waswo added this is a new security monitoring software required by the Wisconsin Elections Commission per a state mandate. Our IT Department will be doing the monitoring and must notify the Wisconsin Elections Commission if there is intent to hack our system. CT Waswo was able to obtain a \$500 grant to offset part of the cost.

Czaja/Reierson motion to approve the management letter submitted by Salt Box Ventures Inc. dba Romenesko Technologies for engagement of managed asset monitoring. Motion carried 5 to 0.

Ordinance change to restrict salaried pay for Trustees who do not attend meetings

No recommendation out of Finance. Our current Ordinance 24-10(b) Residency required for service on citizen boards or commissions; attendance standards states members are required to attend 2/3rds of the meetings in a 6 month period and failure to comply may result in removal. There is also State Statute 61.193 – Establishing and changing compensation for elective offices. Attendance is required, and the Board can take action if trustees do not attend. Czaja has received comments from citizens regarding trustees not attending board meetings but getting paid. She highlighted the fact and questioning our process. President Connelly reiterated to the Board that they were hired to do a job, be here to do that job. If it becomes an issue the Board can take action.

Village Attorney Agreement for Services

This is to formalize the Board's position to change attorneys from Seymour Kremer Koch LLP. Atty Lochowicz presented a letter and proposal of services for Lochowicz & Venema, LLP, his new firm, in a like amount to what we had previously. The Board has already voted to switch law firms, this is just accepting his terms under the same rate. Czaja questioned the travel expense. Mileage is based on the federal rate. There was discussion about paying travel time versus mileage or both. Atty Lochowicz stated he has other municipalities that do not pay mileage, he simply kept in place the previous contract. He has no issue if the Board doesn't want to pay for mileage and travel. The Board suggested we pay mileage but not travel time. Atty Lochowicz was fine with that.

McMahon/Maynard motion to approve the mileage but not travel time based on start to and from 11 2½ N. Wisconsin Street in Elkhorn to the Village Hall. Motion carried 5 to 0.

Czaja/Reierson motion to approve the agreement with Lochowicz and Venema, LLP. Motion carried 5 to 0.

Axon Enterprises 5-year Contract for 11 body cameras at a total cost of \$28,722.50

Our Police Department uses body cameras. Lt. Alonzo stated it's good for training and really a liability coverage. This is a yearly contract, and at the 2 ½ year mark they replace all the cameras. It's time to upgrade our equipment as our current body cameras are antiquated, provide no support and the batteries are not charging. Year 1 was pro-rated. Trustee Czaja asked why 11 cameras. Lt. Alonzo replied ever officer, including part-time officers and the School Resource Officer, would get their own camera. Each camera is assigned to a single officer.

Maynard/McMahon motion to approve the Axon Enterprises Inc. 5-year Contract for 11 body cameras at a total cost of \$28,722.50. Motion carried 5 to 0.

Wickstrom Fund Court Ruling Update

Attorney Lochowicz submitted paperwork to the court to open up the fund. The Village would like to make it more general in nature to allow the funds to be used in the Village of Walworth park system. Originally the fund only allowed the village to use the interest which was minimal. Atty Lochowicz filed a proposed order, the court didn't like the language, too general. The court wanted to add the language beautification and maintenance of the parks. This covers pretty much anything you can think of yet still restricts it. Court also had a concern, wanted specific statutory language to state the trust was originally terminated because there were not enough funds to continue to make it viable. That has been added to a modified order, which has been submitted to court. Once signed, the attorney will provide a copy to the village.

Amend Ordinance 6-2-7(f), increasing the Snow and Ice Removal Expense from \$50 to \$200

Public Works Department recommendation. The fee is \$50 if people do not shovel their sidewalks. Public Works feels eventually people will just not shovel and will let the village do it as the \$50 fee is cheaper than hiring a contractor. Increasing the fee amount acts as a deterrent for people that want to go that route. We have had complaints about sidewalks not being cleaned while we are still working on cleaning the roads.

Maynard/Czaja motion to amend Ordinance 6-2-7(f), increasing the Snow and Ice Removal Expense from \$50 to \$200. Motion carried 5 to 0.

Uniti Tower Update

We are making progress. They questioned wanting language to prove that the President can sign the contract. If the Board votes to execute a contract, the President must sign it regardless if the President voted for or against it. Signing it is understood under state statute. Connelly has submitted the state statute language to them. The next step is the Conditional Use hearing scheduled for next Monday. Residents in the area have been notified and are welcome to attend.

Paying out Cell Phone Allowance on the second pay period in February

Recommendation of Finance Committee. Instead of employees submitting receipts and Clerk or Deputy Clerk issuing checks out of an expense account, they will get one payment on the second pay period in February for their allowance. Administratively it lessens the work for the Clerk Treasurer and Deputy Clerk Treasurer. Employees are taxed on this amount, and it becomes part of their salary. It counts towards their WRS.

McMahon/Czaja motion to pay the cell phone allowance on the second pay period in February. Motion carried 5 to 0.

Clothing Allowance and Cell Phone Allowance Payout Policy

Recommendation of Finance Committee was employees who separate from the Village will have a prorated amount of the annual clothing allowance and cell phone allowance deducted from their final. CT Waswo provided an example in the packet and stated B.1. Clothing Allowance and B. 2 Cell Phone Allowance would be added to the Personnel Manual.

Maynard/Reierson motion to add the paragraphs as listed in the packet to prorate the amount of the annual clothing allowance and cell phone allowance when an employee separates from the Village. Motion carried 5 to 0.

Regular part time employee Personnel Policy regarding prorated vacation, holiday and sick pay

Right now, we have a gap in our language where less than 20 hours and more than 20 hours are covered for Regular part-time employees, but exactly 20 hours is not accounted for. This changes the language to 20 hours or more.

Czaja/McMahon motion to change the Personnel Policy regarding regular part-time employees as provided in the packet, changing from more than 20 hours to 20 hours or more. Motion carried 5 to 0.

Town of Walworth Fire & Rescue Contract Updates

We are working on this. We are aggregating some data: seeing what the Town is paying and what the expenses actually are, figuring out how much the Village contributes, and how much the Town contributes. The Town has requested some specific items they would like us to look at in regard to these contracts. This has to be settled by August of 2020. That is the deadline for either the Village or Town to cancel the current agreement and establish a new agreement. Right now this is making its way through the committees, hoping to get some recommendations by February or March.

General Services: Meeting Update

Big Foot High School's Summer Baseball Tournament Schedule

The Village is going to have quite a few more people on the weekends starting next year in May. The High School contracted with Game Day Sports, they handle travel baseball and softball teams. They estimate we will get 1,500 people each Friday, Saturday and Sunday coming to the Village and using the new fields. Working with Police and Fire/Rescue as they will be affected. Feel the local economy will benefit.

Original 2019-2020 Operator's License application for Catherine Higgins

Recommendation out of General Services is to approve. She will be working at Kelly's Market which used to be called Walworth Landing and was sold.

McMahon/Maynard motion to approve Operator's License application for Catherine Higgins. Motion carried 5 to 0.

Public Works: Meeting Update

FEMA Flood Mapping Meeting Update

Trustee Czaja attended a FEMA meeting in Lake Geneva specifically for Walworth County. She has a report in the November 25 Public Works minutes. We are not mapped so we are not considered to be in a floodplain by FEMA or the DNR. We have adopted Ordinance 2009-1 which is a floodplain ordinance for the purpose of joining the National Flood Insurance Program (NFIP). The adoption of the ordinance has allowed all property owners in the Village to obtain flood insurance. They are remapping right now, but it takes them at least 2 years to change anything on their map. In our area they are looking at the east and west boundaries of the Nippersink creek. They indicated the Nippersink is not a part of our flood flow issue into the Piskasaw as we were told. The Project Manager was from the Bureau of Watershed Management. We could submit our current study to be included on their map if we would choose to, but it would take them a couple of years to review and approve. The benefit would be for zoning restriction questions. The downside may be premiums charged for flood insurance. Once mapped it makes a difference to your flood insurance premium. It is not mandatory to purchase flood insurance if you are in a mapped floodplain, but the premium is much higher. FEMA funds insurance agencies to carry flood insurance if they choose to, but not all insurance companies are willing to go through the process of reporting to FEMA. The Board is faced with a big decision to submit the Lake Petite Drainage Study to FEMA to include in their remapped portion of the Village.

Connelly questioned what happens to an already platted and approved subdivision. Attorney Lochowicz stated the real issue would be seeing how it affects the developer's agreement, and secondary is values related to the development. The only entity that would require flood insurance would be a bank if there is a mortgage. Other than that, there is probably no requirement to get insurance unless they want it. President

Connelly stated it does clarify that flood insurance is available. Because the village established the local ordinance, anyone in the village qualifies for flood insurance, and not just if you are in a mapped floodplain.

We know Lake Petite is a natural waterway. When it overflows everything flows east to west towards the Piscasaw Creek, then to Mississippi, then to the Gulf of Mexico. The decisions we make about flooding in the Village of Walworth will have an effect in the Gulf of Mexico. Our phosphorus regulation comes from a dead spot in the Gulf of Mexico. The Board has a lot on its shoulders to figure this out for the residents here, the Town of Walworth and further.

Diana Brower commented that part of it is wetland. In 2008 she could not find an insurance company that would insure her property. Connelly responded FEMA does provide a list of companies.

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

Plan Commission: Meeting Update

MJJS LLC Extraterritorial Certified Survey Map splitting 5 acres from Tax Key E W 2500002 located on Linn Walworth Road in the Town of Walworth

This is breaking out a part of the land to build a residential structure. The CSM has already been approved by the Town of Walworth and recommended for approval by the Plan Commission.

McMahon/Maynard motion to approve the Extraterritorial Certified Survey Map for MJJS LLC splitting 5 acres from Tax Key E W 2500002 located on Linn Walworth Road in the Town of Walworth. Motion carried 5 to 0.

Big Foot High School Sports Complex

They have submitted a revised site plan to include a structure not part of the original site plan. Our Engineers are currently looking at the structural engineering for the additional structure. As it has already been installed, Plan Commission is trying to approve it retroactively. If we can't they will have to rip it out and start over.

Devil's Lane Park Use - Big Foot High School

Big Foot High School and McFarland have turf, and do not allow baseball players to wear steel cleats as it damages the turf. Big Foot is working within the conference. WIAA rules state steel cleats are allowed. They are trying to ban that within the conference. There are some traditionalist coaches within the conference that refuse. The idea was if they refuse, they will be playing across the street at Devil's Lane. Tim Collins will keep us in the loop as this evolves.

FWWPCC: Meeting Update

Appointment of Citizen Member to the Commission

FWWPCC would like LeRoy Nordmeyer to continue to serve as a citizen. LeRoy asked to be placed on as a citizen member in his resignation letter. Trustee Maynard feels it's a good idea since he is familiar with FWWPCC issues.

Maynard/Reierson motion to appoint LeRoy Nordmeyer as a citizen member to the FWWPCC. Motion carried 5 to 0.

Emergency Government: Meeting Update. No update.

Library Board: Meeting Update. No update.

Closed Session

To consider a motion on whether or not to conduct a closed session pursuant to:

- a. Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for Deputy Clerk Treasurer Rogers, and
- b. 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:
 1. Police Union Contract
 2. School Resource Officer Contract with Big Foot High School

McMahon/Maynard motion to enter into closed session at 7:34 p.m.

Roll Call: Czaja, Maynard, Reiersen, 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

Maynard/Reiersen motion to go into open session at 8:07 p.m. Motion carried 5 to 0.

Maynard/Reiersen motion to approve the Police Union Contract subject to the terms as discussed in closed session. Motion carried 5 to 0.

A future meeting will be scheduled for the School Resource Officer contract.

Adjournment

Maynard/McMahon motion to adjourn at 8:07 p.m. Motion carried 5 to 0.

Sabrina Waswo, Clerk Treasurer