

**VILLAGE OF THIENSVILLE  
BOARD OF TRUSTEES & COMMITTEE OF THE WHOLE  
MINUTES**

**DATE: Monday, September 16, 2013**

**LOCATION: 250 Elm Street  
Thiensville, WI**

**TIME: 6:00PM**

**I. CALL TO ORDER**

President Mobley called the meeting to order at 6:00 PM.

**II. ROLL CALL**

|                |                                                               |                   |
|----------------|---------------------------------------------------------------|-------------------|
| President:     | Van Mobley                                                    |                   |
| Trustees:      | Kim Beck (excused)                                            | Kenneth Kucharski |
|                | Ronald Heinritz                                               | David Lange       |
|                | Rob Holyoke                                                   | John Treffert     |
| Administrator: | Dianne Robertson                                              |                   |
| Attorney:      | Tim Schoonenberg                                              |                   |
| Staff:         | Director of Public Works Andy LaFond, Fire Chief Brian Reiels |                   |
|                | Police Chief Scott Nicholson                                  |                   |

**III. PLEDGE OF ALLEGIANCE**

President Mobley led the recitation of the Pledge of Allegiance.

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| <b>CONSENT AGENDA</b> |
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Upon request of any Trustee, any item may be removed from the Consent Agenda for special consideration.

**IV. APPROVAL OF MINUTES**

**A. Board of Trustees**

1. August 19, 2013
2. August 28, 2013

**V. DEPARTMENT REPORTS** (Receipt)

**A. Department Reports** (Receipt)

1. Fire Department
  - a. August, 2013
2. Police Department
  - a. August, 2013
3. Public Works Department
  - a. August, 2013

**VI. COMMITTEE REPORTS**

**A. Committee of the Whole**

1. September 3, 2013 (not held)

**VII. REPORTS AND COMMUNICATIONS**

- A. Historic Preservation Commission**
  - 1. August 20, 2013 (not approved by HPC)
- B. Plan Commission**
  - 1. August 6, 2013 (incomplete)
- C. Business Renaissance Committee**
  - 1. August 19, 2013 Sub Committee (incomplete)
  - 2. August 26, 2013
  - 3. September 9, 2013 Sub Committee (incomplete)
  - 4. September 11, 2013 Sub Committee (incomplete)
- D. Capital Expenditures**

Director of Public Works Andy LaFond explained the request for a new DPW facility rather than fixing up portions of the old building and feels this is more cost effective. This request is for preliminary design and space needs analysis. This would require a high level planning review. The training room roof in the Fire Department also needs to be repaired.

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the consent agenda.

**Ayes:** Trustee Beck, Holyoke, Kucharski, Lange, Treffert and President Mobley.

**Naes:** Trustee Heinritz

**MOTION CARRIED.**

|                        |
|------------------------|
| <b>BUSINESS AGENDA</b> |
|------------------------|

**VIII. FINANCIAL REPORTS AND ACCOUNTS PAYABLE**

- A. Accounts Payable For All Funds**
  - 1. **Accounts Payable**
    - a. August 17, 2013 through September 13, 2013

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Heinritz to approve the accounts payable from August 17, 2013 through September 13, 2013 in the amount of \$594,048.67. **MOTION CARRIED UNANIMOUSLY.**

- 2. **Financial Report (Receipt)**
    - a. August, 2013

Financial Report was received.

**IX. PRESIDENT'S REPORT**

- A. Appointments**
  - 1. **Temporary Liquor License:** Logemann Community Center, Historic Day September 21, 2013
  - 2. **Operators Licenses:** Logemann Community Center List

**MOTION** by Trustee Lange, **SECONDED** by Trustee Kucharski to approve a temporary liquor license and temporary operator's licenses to the Logemann Community Center. **MOTION CARRIED UNANIMOUSLY.**

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3. **Fire Department Members:**
4. **Street Closing Permit:** Friday, October 4, 2013 4:30PM to 5:30PM  
HHS Homecoming Parade

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Kucharski to approve a street closing permit for the HHS Homecoming Parade on Friday, October 4, 2013 from 4:30 PM to 5:30 PM. **MOTION CARRIED UNANIMOUSLY.**

**X. ADMINISTRATOR'S REPORT**

- A. **Department Reports**
  1. Administrator's Report (not available)
  2. Building Inspection Department (Receipt)
    - a. August, 2013 Report

Inspection report was received.

**XI. ATTORNEY'S REPORT**

**XII. COMMITTEE REPORTS**

- A. Review, discussion and approval of a Memorandum of Understanding to serve as the Fiscal Agent for the Frank L. Weyenberg Library

Linda Bendix, Weyenberg Library Director was in attendance and had drafted a Memorandum of Understanding. Administrator Robertson has acted as Fiscal Agent before when she worked in Greendale. The need for one of the communities to service as Fiscal Agent exists and this is a statutory requirement. The library already handles its own payroll. Ms. Bendix stated that this will not be a burden or cause additional work. There will be fees paid to the Village for serving in this role.

Trustee Treffert wanted to let the Board know that there is no on-line access as is currently provided by the City of Mequon and there is no additional year-to-date information available. Ms. Bendix can add this to the Memorandum of Understanding. The reports can be available through an excel spreadsheet.

Trustee Treffert handed out a report that expresses his concerns and considerations and also wanted to thank the Library Board and Director for their efforts. Trustee Treffert stated that the Village will incur an 18.2% increase in the dollars that the Village is responsible for managing which doesn't mean that the workload will increase at that rate but there will be increased responsibility. The current staffing level at the Village is (1) Administrator that works countless overtime hours and (1) Administrative Assistant/Deputy Clerk that is just under full time employment and (1) Treasurer that is a currently vacant position which totals 2.9 people when fully staffed. At Mequon in the finance department alone has 3.5 full-time employees. Trustee Treffert feels this will be a challenge to take on this Fiscal Agent responsibility. Conversion efforts are usually more work than anyone expects and this would be during Village budget time, year-end taxes and audit preparation. Potentially there will be a new Village Administrator in 3-5 years and there has been turnover on the Library Board. Trustee Treffert went through the library minutes for the last 6 months and most of this discussion took place in closed session.

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The current Library Treasurer Mr. Wallach expressed severe concerns over the capital reserves and severe doubts as to the accuracy of the reports. At one meeting Mr. Wallach moved to approve the 2012 Department of Public Instruction Manual which was amended to reflect accurate financial reporting in Sections V and VII. The motion was carried.

Trustee Treffert needs/wants to get a handle on what the problems are in reporting. Trustee Treffert has questions regarding Mequon's auditor, changing the Library to a "Joint Venture" and the minutes regarding Fiscal Agent matters. Mimi Rosing, the Village Library representative is in support of the Fiscal Agent change.

**MOTION** by Trustee Treffert, **SECONDED** by Trustee Beck to defer for one year the switch of the Fiscal Agent to give the Village a chance to get clarification on what is going on and to fill the Treasurer's position.

President Mobley stated that the switch would be January 1, 2014 and he feels this would be manageable and is in favor of the switch. Waiting is not in anyone's interest. A new Village Treasurer will be in place before that date. Trustee Heinritz would like to have the new Treasurer on board. Trustee Lange suggested the motion be changed to when after a Treasurer is found rather than a year from now. Trustee Treffert stated that this change could take place mid-year. President Mobley has been assured by the Village Administrator that this process can be done. Trustee Treffert just feels that the timing is bad. Trustee Holyoke has not been on the library board very long but he feels this switch is good. Trustee Heinritz feels this is another layer of responsibility that the Village does not need at this time. Trustee Kucharski asked if we can take this on as a one-year trial basis.

**Ayes:** Trustees Beck, Heinritz and Treffert.

**Naes:** Trustees Holyoke, Kucharski, Lange and President Mobley.

**MOTION FAILED.**

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the Memorandum of Understanding to serve as the Fiscal Agent for the Frank L. Weyenberg Library with the ability to modify or dissolve the agreement in one year.

**Ayes:** Trustees Beck, Holyoke, Kucharski, Lange and President Mobley.

**Naes:** Trustees Treffert and Heinritz.

**MOTION CARRIED.**

Trustee Holyoke will portray the concerns and apprehensions to the Library Board.

**B. Review, discussion and approval of Ordinance No. 2013-06 Prohibiting the Possession of Certain Synthetic Drugs**

Police Chief Nicholson reported that the current drug that is coming to the community is synthetic cannabis which is also called K2, and bath salts which is a form of crack cocaine and is a cheap homemade drug. There is a state law which prohibits these drugs but a local ordinance violation needs to be implemented. The source of these drugs are in head shops, the Internet and Canada. Our court system has a greater leverage of enforcement than the circuit court does. This ordinance will allow for an extra amount of enforcement.

Attorney Tim Schoonenberg stated that they have prosecuted a case in Grafton that was a gas station and also prosecuted a few young adults. This is nice to have as an extra tool and is for first time offenders.

**MOTION** by Trustee Beck, **SECONDED** by Trustee Lange to approve Ordinance No. 2013-06 Prohibiting the Possession of Certain Synthetic Drugs. **MOTION CARRIED UNANIMOUSLY.**

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**C. Review, discussion and approval to advertise for the position of Dispatcher/Secretary for the Police Department**

Police Chief Nicholson reported that Dispatcher Christine Koerner has been with the Thiensville Police Department for 35 years and has announced her retirement to be effective December 30, 2013. This position has evolved from answering the phone, helping people at the window, answering the radio and dispatching officers and in addition being the municipal court clerk. There are various other duties that Chris is also currently doing. The following are her duties broken down:

20% dispatch  
40% court duties  
25% window and phone calls  
15% clerical

A large responsibility is this person has to be certified through many different entities because of the security aspects and confidentiality aspects of the position and these are yearly certifications. This job will be a 4-6 month training process or a one month training process if someone is hired with experience. The department has ongoing problems with the existing ProPhoenix Records Management Software.

The current municipal court system is less expensive for an individual who receives a citation versus the county court system and more money comes back to the police department through the municipal court system. There are 60-100 citations issued per month and about 10-15 warrants per month. There is more accountability with this system and the Village has a great relationship with the Municipal Judge Steven Cain.

Trustee Treffert does not have a grasp as to where the Village Board is going from a budget perspective and the imposed levy limits. How are we going to pay for this? Administrator Robertson stated that this is a budgeted position but the levy cannot exceed last year's levy. Trustee Treffert asked about the Fire Department secretary position and sharing of duties. Police Chief Nicholson stated that this position is highly confidential and in order to view some of the confidential material the person must be certified and validated through the state and the federal government.

Administrator Robertson reported that the Village of Saukville which is about the same size as Thiensville has three full time staff plus the Administrator and Thiensville has a total of 2.9. Saukville also has three dispatchers and Thiensville has one. President Mobley wants to keep the Municipal Court here and this requires the dispatcher position to keep this as one of their roles.

Trustee Heinritz stated that the most logical thing is to advertise but the Board needs to look at the overall situation because sooner or later we will hit the levy limit.

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Kucharski to approve advertising for the position of Dispatcher/Secretary for the Police Department. **MOTION CARRIED UNANIMOUSLY.**

**Ayes:** Trustees Beck, Heinritz, Holyoke, Kucharski, Lange and President Mobley.

**Naes:** Trustee Treffert

**MOTION CARRIED.**

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**D. Review, discussion and approval to upgrade the police sergeant position to lieutenant**

Police Chief Nicholson reported that in the end of 2012 Sergeant Nauer retired. The former sergeant position was an hourly position which allowed him to get overtime pay for any time over 40 hours. Chief Nicholson feels that this should be a salaried position and the position changed to lieutenant. Administrator Robertson stated that in 1984 she found a hand written memo regarding the Sergeant position and that it should be based at approximately \$3,000-\$5,000 less than the Chief. This is the same position with a better title. Sergeant Nauer received first chance at overtime and he took it which put him at a higher salary than the Chief. There would be a cost savings because of not paying overtime if this was a salaried position.

**MOTION** by Trustee Beck, **SECONDED** by Trustee Lange to approve the upgrade from police sergeant position to lieutenant. **MOTION CARRIED UNANIMOUSLY.**

**E. Review, discussion and approval regarding job description and salary for Treasurer/  
Assistant Administrator position**

Administrator Robertson asked the Village Auditor what they pay someone with a CPA degree right out of college and the answer was \$50,000-\$60,000. Saukville pays their Treasurer \$51,000 (non CPA), the Deputy Clerk receives \$40,000 and \$37,000 to another clerical individual. Administrator Robertson stated that she plans on advertising in the League of Wisconsin Municipalities magazine and the Government Finance Officers Assn. and maybe in the Wisconsin Treasurer's Association and the local paper.

**MOTION** by Trustee Beck, **SECONDED** by Trustee Treffert to approve a job description and salary for Treasurer/Assistant Administrator position. **MOTION CARRIED UNANIMOUSLY.**

**F. Review and discussion regarding expiring recycling contract**

Director of Public Works Andy LaFond reported that the Village has a 10 year contract with the current curbside recycling service which is now Advanced Disposal. This expires January 1, 2014 so an RFP needs to be prepared to get bids for a new contract. Mr. LaFond is looking for approval for different options in regards to recycling. There are approximately 939 residences that the Village picks up which includes some commercial properties. The Village currently pays \$3.04 per house/per stop/per month which equates to \$34,278 per year. One option is to pick up bi-weekly and provide a rolling cart. Thiensville is one of the 2 highest municipalities that pays the most for recycling per capita. The chances of getting bids is not good on the current type of service the Village has which is physically picking up small green recycling containers. Providers are moving towards the handheld rolling carts.

**G. Review, discussion and approval appointing Bob Dodge, 406 Heidel Road to the TBRC  
(Trustee Lange)**

Trustee Lange reported that Mr. Dodge lives across from President Mobley and Mr. Dodge is in the IT Processing industry. Mr. Dodge has agreed to work with Jesse Daily and Marc Mrugala with documenting Farmer's Market information and putting a handbook together so that tasks can be assigned to new people and other things of that nature.

**MOTION** by Trustee Beck, **SECONDED** by Trustee Heinritz to approve appointing Bob Dodge, 406 Heidel Road to the TBRC. **MOTION CARRIED UNANIMOUSLY.**

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**H. Review, discussion and approval to send a letter of intent to participate in the Main Street Program for 2013 (Trustee Lange)**

Trustee Lange stated that if the Village wants to participate we have to send a letter saying the Village intends to apply and that has to be done by November 1, 2013. Because the size of the Village is under 5,000 people we need to allocate \$40,000 including \$20,000 for an Executive Director position. The rest would go for promotions and an office, etc. If the Village were accepted into this program it would be a \$40,000 commitment. The things that would be gained would be experience. The Wisconsin Economic Development Corporation has people that would help the TBRC do a better job. The TBRC does not currently have the design elements phase but this would involve the businesses. Trustee Beck asked if the Executive Director would be an employee of the Village or the Executive Director of a 501C3. This will have to be addressed at some point.

Trustee Kucharski is not high on the idea and the City of Port Washington has some problems with the same program. The Village is headed in the right direction with everything else that is happening and thinks the TBRC can do this on their own. Trustee Holyoke agrees with Trustee Kucharski, that the TBRC is doing well. Trustee Heinritz said that the HPC looked over this program and they do not think it is tailor fit for Thiensville. Thiensville does not have a lot of buildings that would qualify or need these services. Trustee Treffert commented that Port Washington, Sheboygan Falls, West Bend, and Whitefish Bay are in the program but Thiensville does not fit this program. President Mobley commented that he and Administrator Robertson have met with a local architect that does quality work and is interested in working with the Village in lieu of going with the Main Street Program.

Ms. Jennifer Abraham commented that she would like to opt for a private individual to work with the Village. President Mobley is not in favor of taking authority away from the Village Board and creating a multiplicity of other Boards because it can create a snarl that actually decreases the amount of effectiveness within the Village. Trustee Beck feels that if the Village had a Main Street Program he does not know how you could have a Business Commission and a Business Association, something would have to give. The current Thiensville Business Renaissance Committee is doing a great job. The elements of the Main Street Program did give the Village a great footprint.

**I. Review and discussion regarding a potential easement on the DPW lot for a sewer connection to the abandoned MATC force main from the Quarry site**

The Sileno family purchased this quarry site along with many other sites and they want to develop a pie shape piece in the Village to build some apartments (36 units), there is also land within the City of Mequon that will add to the development (58 units). The Sileno's want to know that if MATC is willing to vacate their portion of the abandoned forced main would the Village entertain a municipal easement (with the property owner's consent) to a public sanitary sewer through the parcel to service the proposed 94 units which would be known as Lake Carmela.

Director of Public Works Andy LaFond stated that the connection would have to come out to Main Street because that is where the sewer is big enough to take the capacity. The most direct route for the Sileno's would be to come through their land down their driveway to Freistadt Road but the Freistadt Road sewer line is too small and there is a 5-year moratorium on Freistadt Road since it was just reconstructed a few years ago. It would be too costly for the Sileno's to build a sewer lift station and pump their sewage to Mequon. There is the old MATC forced main which now dumps into our gravity sewer at Grand Avenue. The Sileno's would like to know if they could build a public sewer somewhere on the public works property.

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A few hurdles would be to convince SEWRPC to transfer that area of land out of Mequon sewer capacity into the Village sewer main. They would also have to get DNR approval and MMSD approval in addition to getting MATC to abandon their easement here and negotiate an easement with the East Sun property owner on N. Main Street. This would take up a large portion of the Village's sewer capacity, unless a force main is utilized bypassing the Village's infrastructure. The Sileno's would also have to bring in a water line which will bring water into that portion of the Village. Also, the driveway going out to Freistadt Road is currently not wide enough to get traffic in and out.

Administrator Robertson stated that the Village portion on this development from a tax standpoint would be \$3.6 million assessed value. The site is both in Thiensville and in Mequon. President Mobley stated that the upside for Thiensville is developing this area and many people don't even know this area exists. Thiensville's portion would have about 36 apartment units. The downside would require a rezoning from an R-1 to an R-5 and dealing with the sewer issues. There are a few properties in Mequon that are currently on the Village sewer system, i.e. the Lutheran Seminary, homes on Freistadt. Division and Cedarburg Road.

Trustee Heinritz asked if the Sileno's had thought about detaching the Mequon portion of the property and make it all Thiensville but that would have to be brought before the City of Mequon for an agreement. There are currently too many questions to commit but the Board feels this is worth exploring and how to deal with the issues of capacity in a storm event and using a forced main. Trustee Treffert stated that there is a difference in capacity on a daily basis and capacity in a storm event. Another upside is bringing more people into the Village for businesses and schools.

**J. Review and discussion regarding 2013 Fund Balance and Capital Project Reserve  
Report and set date for 2013 Budget review**

Administrator Robertson briefly talked about the 2013 Fund Balance and the Capital Project Reserve Funds. The Budget Review session will be October 7, 2013 at 5:00PM.

**K. Review municipal revenue generated on a \$1,000,000 property (Trustee Treffert)**

Trustee Treffert commented that on a million dollar property there is \$7,400 in municipal revenue generated each year from a tax base. President Mobley stated that the Village does need to be refreshed.

**XIII. BUSINESS FROM THE FLOOR**

**A. Citizens to be Heard**

Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

Chief Reiels showed pictures from Public Safety Days and commented on what a great turnout it was.

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| NEXT RESOLUTION NUMBER: | 2013-17 |
| NEXT ORDINANCE NUMBER:  | 2013-07 |

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**XIV. REPORTS AND COMMUNICATIONS**

- B. Plan Commission
- C. Frank L. Weyenberg Library
- D. Mid-Moraine Legislative Committee
- E. Historic Preservation Commission
- F. Telecommunication & IT Oversight Committee
- G. C.D.A.
- H. Bike Trail Committee
- I. Farmland Preservation Committee
- J. Thiensville Business Association/Renaissance Committee

**XV. UNFINISHED BUSINESS**

**XVI. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE AUGUST 19, 2013 VILLAGE BOARD MEETING.**

- A. Inter-Governmental Committee with Mequon
- B. Use of 101 Green Bay Road, Old Village Hall & Fire Station
- C. Acceptance/Report of Gifts Received
- D. Dialog with Mequon regarding water utility service
- E. Review next month's meeting date schedule

**XVII. MOTION TO ADJOURN TO CLOSED SESSION**

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Kucharski to adjourn the meeting at 8:47PM 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 regarding property sale.

- 1. Roll Call Vote

**Ayes:** Trustees Beck, Heinritz, Holyoke, Kucharski, Lange, Treffert and President Mobley.

**Naes:** None

**MOTION CARRIED.**

**MOTION TO RECONVENE IN OPEN SESSION**

- 1. Vote of Board to reconvene.

**MOTION** by Trustee Holyoke, **SECONDED** by Trustee Beck to reconvene in open session at 9:14PM. **MOTION CARRIED UNANIMOUSLY.**

- 2. Review and action on closed session matters.

**MOTION** by Trustee Heinritz, **SECONDED** by Trustee Kucharski to accept the counter offer by Dr. Gary Lewis, Agent for LLC, for the property at 128-136 N. Main Street. **MOTION CARRIED UNANIMOUSLY.**

**XVIII. ADJOURNMENT**

**MOTION** by Trustee Heinritz, **SECONDED** by Trustee Kucharski to adjourn the meeting at 9:15PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Approved by,

Susan R. Conway  
Administrative Assistant

Dianne S. Robertson  
Village Clerk