VILLAGE OF THIENSVILLE
BOARD OF TRUSTEES
MINUTES

DATE: Monday, July 13, 2015 | **LOCATION: 250 Elm Street, Thiensville, WI**

TIME: 6:00PM

I. CALL TO ORDER

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

II. ROLL CALL

President:	Van Mobley	
Trustees:	Kim Beck	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	John Treffert
Administrator:	Dianne Robertson	
Attorney:	Robert Feind	
Staff:	Fire Chief Brian Reiels	
	Police Chief Scott Nicholson	
	Director of Public Works Andy LaFond	
	Assistant Administrator Colleen Landisch-Hansen	
	Clerk Amy Langlois (excused)	

III. PLEDGE OF ALLEGIANCE

President Mobley led the recitation of the Pledge of Allegiance.

CONSENT AGENDA

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. June 15, 2015
- B. **Special Board of Trustees**
  1. June 22, 2015

V. DEPARTMENT REPORTS (Receipt)

- A. **Department Reports** (Receipt)
  1. Fire Department
     a. June, 2015
  2. Police Department
     a. June, 2015
  3. Public Works Department
     a. May, 2015
     b. June, 2015

VI. COMMITTEE REPORTS

A. Committee of the Whole

VII. REPORTS AND COMMUNICATIONS

A. Historic Preservation Commission
1. May 13, 2015

B. Plan Commission
1. June 2, 2015

C. Business Renaissance Committee
1. April 27, 2015

D. Mequon/Thiensville Bike Pedestrian Commission
1. June 5, 2015 (not available)

E. River Advisory Committee
1. June 4, 2015 (not available)

F. Capital Expenditures

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the Consent Agenda. **MOTION CARRIED UNANIMOUSLY.**

BUSINESS AGENDA

VIII. FINANCIAL REPORTS AND ACCOUNTS PAYABLE

A. Accounts Payable For All Funds
1. **Accounts Payable**
   a. June 13, 2015 through July 10, 2015

MOTION by Trustee Heinritz, **SECONDED** by Trustee Holyoke to approve the accounts payable from June 13, 2015 through July 10, 2015 in the amount of $466,667.60. **MOTION CARRIED UNANIMOUSLY.**

2. **Financial Report (Receipt)**
   a. June, 2015

The financial report was received.

IX. PRESIDENT'S REPORT

A. Appointments
1. **Operator's License-New**
   a. **Chuck's Place Family Restaurant**
   Heidi M. Anderson
   b. **Walgreens**
   Rebecca Sue Iwinski, Keifer Andrew Shutic-Blaine

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the following new operator's licenses: Heidi M. Anderson, Chuck's Place Family Restaurant; Rebecca Sue Iwinski and Keifer Andrew Shutic-Blaine, Walgreens. **MOTION CARRIED UNANIMOUSLY.**

2. **Fire Department Member**
   a. Thomas J. Yank

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to approve the appointment of new Fire Department Member Thomas J. Yank. **MOTION CARRIED UNANIMOUSLY.**

X. ADMINISTRATOR'S REPORT

A. Department Reports

1. Administrator's Report

Administrator Robertson reported that the Comfort Station is near completion. Estimated completion is in August.

Future festivals are as follows:
August 8, 2015 the Thiensville Fire Department Corporation is holding a "Summer Slam" Event which is a picnic-type event with proceeds to be used to purchase Fire Department equipment.
August 19, 2015 the Thiensville Business Association is holding their annual TBA picnic from 5:00PM to 9:00PM.
September 27, 2015 the Thiensville-Mequon Lions are holding "Lions Apple Fest" from 11:00AM to 6:00PM with 50% of the funds raised to be donated to the new park playground equipment.

There are a number of public hearings scheduled:
Plan Commission is scheduled for July 21, 2015 at 6:00PM for project plan for creation of TID #2 and consideration of resolution designating proposed boundaries and approving a project plan for TID #2.
Community Development Authority is scheduled for July 29, 2015 at 6:00PM regarding refinancing of Willowbrook.
There are three scheduled for the Village Board on August 17, 2015 at 6:00PM regarding amending the Land Use element of the Village's Comprehensive Plan at 200 Green Bay Road from Business to Residential, to amend the PDO Ordinance and to rezone the parcel from B-3 to R-5 PDO.
There are also a number of other meetings scheduled for July and August.

Incoming Fire Insurance Dues are $11,969.81.

Administrator Robertson shared that there is a schedule that needs to be followed in regards to reporting a TID. Any time there is a public hearing, it is posted in the News Graphic and on three bulletin boards. Trustee Treffert reported that he believes there is a sentiment among the Village that there are enough apartments in the Village.

President Mobley shared that one way to address the apartment owner/occupied ratio is to instead of adding more apartments, add condos.

Trustee Heinritz is concerned about the schedule and pace at which decisions need to be made as well as the zoning.

Administrator Robertson shared that in order for zoning to be changed, a public hearing will be held.

Trustee Beck believes that communication with residents is very important as well as keeping them all informed in a timely manner. Trustee Treffert agrees and suggested sending out a special mailing to all the residents indicating plans and future public hearing dates. Trustees Beck and Lange support this idea. Putting this information on the Village website was also encouraged in order to inform the area residents.

Trustees Holyoke and Kucharski believe that having the information on the website and the scheduled public hearings are sufficient for informing residents and do not feel putting out a mailing is money well spent.

Trustee Lange reported that he believes this project is really no secret. Residents are informed through the paper, our newsletter and our website.

Trustee Kucharski shared that he believes Mr. Hoff holding a meeting with residents is very positive. Administrator Robertson shared that there will be five public hearings at which the residents will have the opportunity to get informed and ask any questions regarding the project.

It was confirmed that this is a sensitive piece of property because of its location and that it is in the historic district. President Mobley shared that this is a reputable, credible developer who has an idea for a site that has been underutilized for a long time and this is worth exploring.

MOTION by Trustee Beck, **SECONDED** by Trustee Treffert to send out a mailing to area residents highlighting dates and timeline in regards to the development of 200 Green Bay Road.

Ayes: President Mobley, Trustees Treffert, Lange, Beck and Heinritz
Naes: Trustees Holyoke and Kucharski
MOTION CARRIED.

2. Building Inspection Department (Receipt)
a. June, 2015 Report

The building inspection report was received.

XI. ATTORNEY'S REPORT

No report.

XII. COMMITTEE REPORTS

A. Review and approval to participate in Connect Communities

Trustee Beck believes that the Village has not benefitted from this partnership with Connect Communities and does not support continuing participation.

B. Discussion regarding June 23, 2015 News Graphic Article on the Growing Trend of Renting Homes in Residential Areas to Tourists (Trustee Treffert)

Trustee Treffert reported on the trend of renting homes to tourists in the Cedarburg and Mequon areas and suggested that the Village watch what Cedarburg and Mequon do as far as creating an ordinance and adopting one that is similar to keep the area consistent. Trustee Treffert wanted make the Board aware of this trend and to keep an eye on the News Graphic for any developments.

President Mobley shared that he does not have any issue with passing an ordinance now and that Cedarburg ran into problems when creating an ordinance because a resident had already been renting their home. Trustee Treffert confirmed that this ordinance would be to prevent homeowners from having rental property in the Village.

Attorney Feind will share some samples of ordinances from other communities with the Board.

C. Review of MMSD Satellite Municipality Capacity, Management, Operations and Maintenance (CMOM) Program 2014 Annual Report and 5 Year Audit Report

Director of Public Works Andy LaFond reported that there are a number of annual reports that are required to be submitted regarding sewer, storm sewer, recycling and forestry. The Capacity, Management, Operations and Maintenance (CMOM) report is an overview of the Village sewer system as well as the 5 Year Audit Report. In 2002 the Department of Natural Resources created a requirement to implement the CMOM program for all MMSD satellite municipalities. In December 2005 the Village entered into a Stipulation with the WDNR that committed the Village to develop and implement the CMOM Program. This CMOM concept was set forth to address sanitary sewer overflow control. A provision of the document is a requirement for a comprehensive collection system program that includes capacity assurance, management, operation and maintenance.

The U.S. Environmental Protection Agency (USEPA) requires a collection system owner to: properly manage, operate and maintain all parts of the collection system, provide adequate capacity to convey base flows and peak flows for all parts of the collection system, take feasible steps to stop, and mitigate the impact of, sanitary sewer overflows, provide notification to parties with a reasonable potential for exposure to pollutants and develop a written summary of the CMOM program and make it available upon request.

The Village mission statement is as follows: "To efficiently collect and convey all of our customers' wastewater in the most cost-effective manner while remaining in compliance with WPDES permits, Clean Water Act, Wisconsin Law, and MMSD Rules and Regulations." The goals are to comply with the WPDES permit, minimize the occurrence of preventable overflows, improve or maintain system reliability, reduce potential threat, provide adequate capacity to convey peak flow, continue to manage infiltration and inflow and protect collection system worker health and safety.

Since 2007 the Village has developed a management plan, an asset management plan, an overflow response plan, system evaluation and capacity assurance plan, a communications plan and an audit plan. Since 2008 there has been no sewer bypass or overflows within the Village system. In 2014 there was only one basement backup caused by a public sewer. The Village maintains a policy to make initial contact and investigation into SSOs and basement backups within 30 minutes of notification.

One of the major things changed last year was to change the programmable automation control at the lift station which modernized the format in which the Village communicates. Department of Public Works employees can operate the lift station from their smartphone.

Director LaFond pointed out that the Village is in very good standing because of all the great work completed since 1999. The Village has spent over $8 million since 1999 between sewer projects, flood projects and storm sewer projects.

Trustee Lange inquired as to how the Village could let the residents know about this accomplishment and suggested mentioning this in our newsletter.

The 5 Year Audit Plan is intended to evaluate the program implementation and performance over the past five years. The Audit covers the program's compliance with permit requirements and identified deficiencies and steps to address them. This review consisted of an evaluation of 23 elements of their capacity, management and maintenance systems. The Village has achieved the "High Defined" approach level for all but 6 categories. These 6 categories are: FOG Program, Cleaning, Air Release/Vacuum Valves, Condition Assessment-Force Mains, Fats, Oils and Grease Control-Permitting and Fats, Oils, and Grease Control-Performance Measures.

Administrator Robertson reported that as of today the State Legislature ruled that the Village cannot mandate a Clear Water Code Compliance inspection. Therefore, the Village will need to restart its random checks to make sure clearwater is not entering into the sewer system.

D. Review and approval of Village of Thiensville Resolution No. 2015-05 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance for 2014

Administrator Robertson reported that the Village has received and "A" on every section of the Compliance Maintenance Annual Report.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the Village of Thiensville Resolution No. 2015-05 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance for 2014. **MOTION CARRIED UNANIMOUSLY.**

E. Review and approval of Preliminary Resolution 2015-07 Declaring Intent to Exercise Special Assessment Powers for the Construction of Municipal Water and Appurtenances Under Section 66.0703, Wisconsin Statutes

Administrator Robertson shared that any time you exercise special assessment powers, the Village must approve an initial Resolution prior to the public hearing.

MOTION by Trustee Lange, **SECONDED** by Trustee Beck to approve Preliminary Resolution 2015-07 Declaring Intent to Exercise Special Assessment Powers for the Construction of Municipal Water and Appurtenances Under Section 66.0703, Wisconsin Statutes. **MOTION CARRIED UNANIMOUSLY.**

F. Review and approval of Resolution 2015-06 Approving a Sanitary Sewer Agreement with MATC

Administrator Robertson shared that this Resolution is to renew the agreement between the Village of Thiensville and MATC and this also explains that MATC will be connecting to a different area from Main Street to Green Bay Road. The Force Main for MATC froze last year MATC needed to abandon that section, they can only pump between 9:00PM and 9:00AM and this limits their gallons per minute to 160. Their data will now be sent to our Scada system so the Village can verify if any spikes are coming from MATC. This also states that MATC will repair the system if they are responsible, plus it limits when MATC can pump and how much. This is a 5 year Agreement.

MOTION by Trustee Heinritz, **SECONDED** by Trustee Holyoke to approve Resolution 2015-06 Approving a Sanitary Sewer Agreement with MATC. **MOTION CARRIED UNANIMOUSLY.**

G. Review Ordinance No. 2015-01, An Ordinance Amending Sec. 17.0316 of the Village Code Pertaining to PDO Planned Development Overlay District as Recommended by the Plan Commission

Administrator Robertson confirmed that if there are any changes made to the PDO that it does not have to be sent to the Plan Commission. Trustee Heinritz questioned as to why the words under Section 17.0316 "while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district" are struck. Attorney Robert Feind reported that this will allow the Village to acquire the highest quality development possible. The PDO is a contract between the Plan Commission and the Developer and is intended to have some flexibility. Any zoning ordinance has to be based on the Comprehensive Plan and that is where you talk about the standards i.e. low density, two-story buildings, etc. This is what courts will look at when they look at the validity of an ordinance. Courts want a zoning ordinance to be tied to a Master Plan to be consistent.

Administrator Robertson shared that every PDO is brought before the Board for approval. Plan Commission recommends, Village Board approves or denies.

Attorney Feind explained that a PDO is used when you do not have a cookie-cutter zoning code; for instance, Willowbrook and Lake Bluff Road.

Trustee Heinritz also mentioned that Item B., 2. Density Requirements, he would like the word "three" struck and replaced with "two," a. and b. would remain and would like item c. struck which reads "The number of residential dwelling units allowed where an increased density is allowed in recognition of a project of exceptionally high overall quality as provided below:."

Attorney Feind explained that he believes this statement should remain as this is the Plan Commission's ability to bargain and question "why is your project exceptional, are you using better brick, better landscaping, etc." The Plan Commission will use this to get better development and give the Village more flexibility.

Trustee Heinritz also suggested that under c. Increased Density Justification that he would like items 1) and 2) struck with 3) remaining. Trustee Heinritz understands how the Village could bargain for higher quality and greater density but believes it is too strong.

Under Section D. Basis for Approval of the Petition 3), Trustee Heinritz questioned as to why Master Plan was struck. Attorney Feind explained that the Master Plan is now called the Comprehensive Smart Growth Land Use Plan; it is the new terminology for Master Plans.

President Mobley shared that this Plan will be reviewed again to review and approve any changes. Attorney Feind will make the changes.

H. Review and approval of Citizen Appointments for Community Development Authority Committee

Administrator Robertson shared that there are two opportunities to serve on the Community Authority Committee. Two of the current members are leaving, one is moving and the other is stepping down.

President Mobley contacted one individual that declined and is waiting for a call back from another and asked that if any Member has any names of potential participants to please share that with him.

I. Review and approval of Joint Review Board Appointments
1. Dianne Robertson, Village Representative
2. Recommendation of Citizen Member, Sarah Elliott

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to approve the Joint Review Board Appointment of Dianne Roberson, Village Representative and Recommendation of Citizen Member, Sarah Elliott. **MOTION CARRIED UNANIMOUSLY.**

J. Review and approval to Extend10-Year Financing to Property Owners Who Elect To Pay the Assessment Up Front

Administrator Robertson mentioned that when discussing with the residents the water surveys to see if they were interested in hooking up to municipal water that some do not want to connect right away but would like to start paying that assessment and were inquiring as to whether or not the 10 year payment plan could be extended to them as well to avoid higher interest charges. This is for those not hooking up right away but would like to start paying now.

Most of the disruption to the roadway will be on the east side of the street. Those on the west side will have to open the street to connect if not hooking up right away and then bore underneath to the property line but a panel will have to be opened to connect to the main.

Trustee Beck believes this is an important message to report to the property owners. What the engineers are reporting on this is that the disruption is relatively minimal.

Administrator Robertson shared that the Village has received 25 of the 50 or so property owners that are interested in hooking up, plus White Coach Condominiums. A letter will be sent to explain the 10-year payment plan to the owners and to ask for a commitment to hook up.

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to approve to extend 10-Year Financing to Property Owners Who Elect to Pay the Assessment Up Front. **MOTION CARRIED UNANIMOUSLY.**

NEXT RESOLUTION NUMBER:	2015-07
NEXT ORDINANCE NUMBER:	2015-02

XIII. REPORTS AND COMMUNICATIONS

XIV. BUSINESS FROM THE FLOOR

A. Citizens to be Heard

Cindy Reilly, 231 Riverview Drive, inquired as to if the DNR had been contacted regarding the storm water retention pond on the property at 200 Green Bay Road. It was reported that a civil engineer is looking into it.

Joe Miller, 307 Riverview Drive, spoke to make the Board aware that turning left from Elm to Green Bay and Riverview to Green Bay that a lot of the residents find it hard to get to Elm because it is hard to see left and right because you need to be so far into the intersection to be able to see. There is a large bush on Riverview that is hard to see around as well. Neighbors are avoiding Elm because it is difficult to see.

An inquiry was made as to when the next public meeting regarding 200 Green Bay Road will be held. President Mobley confirmed that there will be a Public Hearing before the Plan Commission meeting on Tuesday, July 21, 2015 at 6:00PM, August 4, 2015 the Plan Commission reviews the final site, architectural, landscaping and exterior lighting plans, August 12, 2015 the Historic Preservation Commission reviews final site, architectural, landscaping and exterior plans, and on August 17, 2015 there is a public hearing and then the Village Board will consider. The TIF District will be voted on August 17, 2015.

It was reported that the public will have an opportunity to be heard at the Plan Commission. The next meeting for Plan Commission will be held on August 4, 2015. The Village website will have all the dates of future meeting posted. President Mobley confirmed that a postcard will be sent to all the residents indicating future meeting dates as well as the web page directing residents where to look online.

The public will have an opportunity to speak at the public hearings, at the Plan Commission meetings and before the Village Board, however, the public does not get a vote.

Attorney Feind explained that a TID is part of the tax incremental financing law which says that you lay out a certain area that contains taxable real estate; and once that district is laid out, any increase in taxes that come from that district can be used to pay off bonds that are floated. So, for a period of years, any incremental taxes that are generated from that district can be used to pay off bonds used for that development. The TID at 200 Green Bay is only for that property and is a "developers TID" where the risk is placed on the developer, not the Village. The property at 200 Green Bay Road is currently assessed at about $700,000. In the future, if this project is approved, the tax revenue from the $700,000 will flow to the Village and the school district. If the project ends up being around $6-$6.5 million, the tax payment on that increment will go to pay for the cost of the demolition of the building and other things for a certain fixed period of years. The school districts are held harmless for a while and then after the TID expires then extra revenue is available. The Village is not obliged to extend a TID.

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.

XV. UNFINISHED BUSINESS

Administrator Robertson reported that the Plan Commission has acted on a Certified Survey Map for Lumen Christi. This needs Village approval. A Special Board Meeting is scheduled for Monday, July 20, 2015 at 7:30AM to approve this Certified Survey Map so Lumen Christi can move forward with the closing they have on their property.

Chief Nicholson reported on an incident at the Grand Avenue Apartments last week. Last Monday the Police Department responded to a fire alarm. When two of our officers arrived, the lower level was full of smoke. It was determined that the smoke was coming from one of the five apartments. The officers tried to make contact with the tenant. She opened the door a little bit, said she was fine and then closed the door which raised some suspicion. The officers again tried to contact her, she opened the door a little and the officers went inside. The apartment was full of smoke. She indicated that she had fried some oil on the stove that got away from her. The Fire Department arrived and did a quick survey and cleared out the apartment.

As both the officers were inside the apartment, in plain view there was a glass water bong which was about 3 feet tall. These are used to smoke marihuana and other drugs. Because it was in plain view and there were packages of marihuana, the resident was placed under arrest. As she was being taken out of the apartment, the officers asked for consent to search the rest of the apartment, and she said "no." Her boyfriend was in the apartment at the time and was taken into custody for security purposes.

A search warrant was secured that evening. At about 10:30PM a thorough search was conducted and uncovered a multitude of smoking devices, marihuana that was packaged and marked with names and also other substances that are being sent to the State Crime Lab for analysis. There was also bath salts which are a man-made substance that is on the power of cocaine and methamphetamines, cocaine and heroin was there as well. The resident was able to bail herself out and re-entered her apartment while the officers were there. Because of the packaged marihuana, she was subsequently re-arrested which allowed her to stay in jail over night. The District Attorney did charge her with Intent to Deliver Marihuana and drug paraphernalia. The Police Dept. is still waiting for the results from the State Crime Lab. We have reason to believe that she is very active in selling drugs. The rumors of the Police Department busting a meth lab are false. The smoke was confirmed as coming from oil on the stove. There were numerous calls from nearby residents the next day expressing their concern.

XVI. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE JUNE 15, 2015 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:
  1. Johnathan and Katherine Bailey, $25, Fire Department
- **D.** Dialog with Mequon regarding water utility service
- **E.** Review next month's meeting date schedule

MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to accept the gift of $25 from Johnathan and Katherine Bailey for the Fire Department with much gratitude. **MOTION CARRIED UNANIMOUSLY.**

XVII. MOTION TO ADJOURN TO CLOSED SESSION

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to adjourn to closed session at 8:06PM pursuant to Chapter 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 regarding Developer's Agreement.

1. Roll Call Vote

Ayes: President Mobley and Trustees Beck, Heinritz, Holyoke, Kucharski, Lange and Treffert
Naes: None
MOTION CARRIED.

MOTION TO RECONVENE IN OPEN SESSION

1. Vote of Board to reconvene.

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to reconvene in open session at 10:05PM. **MOTION CARRIED UNANIMOUSLY.**

XVIII. ADJOURNMENT

MOTION by Trustee Beck, **SECONDED** by Trustee Kucharski to adjourn the meeting at 10:05PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Amy L Langlois

Amy L. Langlois
Village Clerk

Approved by,

Dianne S. Roberts

Dianne S. Robertson
Administrator