VILLAGE OF THIENSVILLE
BOARD OF TRUSTEES
MINUTES

DATE: Monday, November 16, 2015 **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	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	John Treffert
Administrator:	Dianne Robertson	
Attorney:	Robert Feind	
Staff:	Police Chief Scott Nicholson	
	Director of Public Works Andy LaFond	
	Assistant Administrator Colleen Landisch-Hansen (excused)	
	Clerk Amy Langlois	

III. PLEDGE OF ALLEGIANCE

Trustee Lange 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.** October 19, 2015

V. DEPARTMENT REPORTS (Receipt)

- **A. Department Reports** (Receipt)
  - **1.** Fire Department
    - **a.** October Fire, 2015
  - **2.** Police Department
    - **a.** October Police, 2015
  - **3.** Public Works Department
    - **a.** October DPW, 2015

VI. COMMITTEE REPORTS

- **A. Committee of the Whole**
  - **1.** November 2, 2015 – 2016 Budget Public Hearing
  - **2.** November 2, 2015

VII. REPORTS AND COMMUNICATIONS

A. Board of Review
1. October 7, 2015

B. Historic Preservation Commission
1. October 14, 2015

C. Plan Commission
1. October 6, 2015

D. Mequon/Thiensville Bike Pedestrian Commission
1. August 28, 2015
2. October 2, 2015 (not available)

E. River Advisory Committee
1. June 4, 2015 (not available)
2. July 27, 2015 (not available)

F. Capital Expenditures

MOTION by Trustee Holyoke, **SECONDED** by Trustee Beck 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. October 19, 2015 through November 13, 2015

Administrator Robertson reported that the Village accounts payable amount of $237,617.85 and presented an invoice from Globe in the amount of $469,654.78 for a total accounts payable request of $707,272.63. These funds requested from Globe remain in the contracted amount.

Administrator Robertson shared that the projected Main Street and Green Bay water project will be slightly higher than expected because there was an old storm sewer culvert near Spring Street and Main Street that was collapsing that needed repairing. It is still anticipated that this project will come in around budget.

Trustee Treffert believes the water project went very well.

Trustee Lange also shared that this project has brought great attention to the Village. A concern brought to Trustee Lange's attention was the question as to why the water project was not done at the same time as the Main Street Rehabilitation. Administrator Robertson shared that the two projects could not be completed at the same time because the Main Street Rehabilitation is a State project, and no other projects can occur at the same time that the State is working.

Director of Public Works Andy LaFond shared that the northbound lane on the south end of the Village was probably the bumpiest portion of Main Street, and that will not be redone during the Main Street Rehabilitation project because it was almost totally completed this year.

MOTION by Trustee Beck, **SECONDED** by Trustee Heinritz to approve the Accounts Payable from October 19, 2015 through November 13, 2015 in the amount of $707,272.63. **MOTION CARRIED UNANIMOUSLY.**

2. Financial Report (Receipt)
a. October, 2015

The Financial Report was received.

IX. PRESIDENT'S REPORT

President Mobley shared that he and Administrator Robertson will be having lunch with the Mayor of Mequon, Dan Abendroth and Mequon City Administrator, William Jones on Wednesday, November 18, 2015.

Trustee Treffert inquired if the Village is part of the Festivals Committee in Mequon and stated that he heard that the Committee is looking to expand their scope and expressed his hopes of Thiensville and Mequon continuing to work together for the Family Fun Before the 4th celebration.

President Mobley reported that for Taste of Mequon, 40% of the participants are from Thiensville. Lionfest is organized and run by the T-M Lions Club. The Family Fun Before the 4th is its own non-profit which has members from both Thiensville and Mequon. None of these members are appointed by Thiensville.

Administrator Robertson shared that about five years ago Mequon suggested having a Festivals Committee, and the Thiensville Board at that time thought best to host all events under the umbrella of Family Fun since it was a structured committee with appointments by both Thiensville and Mequon.

Director LaFond stated that the Thiensville Business Association (TBA) is not taking over the Family Fun Before the 4th event but will have a representative as Chair on the Committee for the parade within Family Fun. Family Fun is still doing the fund raising; the TBA is taking on the communicating and lining up of participants in the parade. More than half of the businesses in the parade are Mequon businesses; donorship comes from both communities which is a great example of both communities working together.

President Mobley did share that the Mequon Common Council would like to throw candy during the parade and inquired as to if it is a Village Ordinance that candy cannot be thrown during a parade. Administrator Robertson confirmed that it is not a Village Ordinance. There is the impression that there is an Ordinance that prevents candy being thrown.

Trustee Beck asked President Mobley to inquire of the Mayor of Mequon if the issue of not throwing candy at the parade is a concern. Trustee Heinritz believes it is a real safety issue to have candy thrown because the children run into the street. At a recent parade in Hartford, candy was handed out by individuals that walked in the parade.

President Mobley suggested each Trustee call the members of the Family Fun Before the 4th Committee to share their thoughts. Trustee Treffert stressed that what should be asked is why there is a candy throwing constraint.

Trustee Kucharski expressed that there is the impression that the Village does have an Ordinance prohibiting candy throwing. Trustee Treffert inquired as to if Thiensville could somehow merge into the Festivals Committee in Mequon.

X. ADMINISTRATOR'S REPORT

A. Department Reports
1. Administrator's Report

Administrator Robertson reported that in regards to the Water Main Project, all the laterals have been installed. Asphalt restoration is complete and Green Bay Road is open. Concrete work will continue for the next week.

The 2016 Main Street Project has been publicly bid by the State. The low bid was 16.5% over the engineer's estimate of $723,989.35. For the engineer's estimate, prior State projects are used to create the estimate. That increase equates to about $105,000. The engineer and State both thought it best to award the project which they have done. The areas that went over the estimate are the diamond grinding, traffic control, pavement marking and concrete trenches. The suggestion of not diamond grinding the parking lane was proposed to save money. Administrator Robertson does not feel that is a viable option since parts of the road will have a different look and ride differently for bicycles after the diamond grinding.

The project time line is April 18, 2016 through June 24, 2016. Any time after June 24, 2016 that the project is not complete would equate to $1,210 per calendar day.

AT&T third quarter franchise fees have been received in the amount of $3,267.92.

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

The Building Inspection Department October, 2015 Report was received.

XI. ATTORNEY'S REPORT

XII. COMMITTEE REPORTS

A. Review and approval of Request for Waiver of Ordinance No. 78.58, Water Main Assessments in Regards to Payment of Balance at Sale of Property

Administrator Robertson reported that when creating special assessments for this year's tax bill that a property owner had changed that had a water assessment for the property at 512 Park Crest. The former property owner and the realtor negotiated that the new owner would take over the special assessment payments which allowed for the sale price of the home to be lower. The Village Ordinance calls for all outstanding assessments to become due and payable in a lump sum payment from the original owner of the property at the time of sale.

Attorney Feind reported that the sale of the home at 512 Park Crest included an amendment to the contract indicating that the buyer will assume the water assessment. Normally what happens when there is a real estate closing is that the title company puts together the title policy and would contact the Village to ask for a report on any outstanding special assessments. These become an exception to the title policy and the title company warns the buyer and the buyer's lender that a clear title statement will not be issued, it will not be insured without these exceptions, and the exception is for outstanding special assessments. This is because, if an assessment has been paid on an installment basis and is not fully paid, the unpaid balance can be put on the tax bill and becomes an immediate lien on the property. The realtor went ahead and did an amendment to the offer stating that the buyer will pick up the remaining special assessment. This is not what the Village Ordinance requires. The Ordinance says, "The sale or transfer of property ownership shall require all outstanding assessments to become due and payable in a lump sum payment from the original owner of the property."

In regards to notifying the title company, the Village did send the required information with payout totals for the month of July, $4,696.62 and the month of August, $4,713.72. The title company used is not located in Ozaukee County and stated that they were not informed that the assessment had to be paid in full. Attorney Feind did contact some title companies in Ozaukee County that confirmed that when an assessment letter is received, it is put on the closing statement and must be paid in full at the closing.

The Ordinance would have to be waived requiring payment due upon sale of property. Attorney Feind suggested not doing this as it is a bad practice and sets a president. The petition before us is to allow the buyer of the property to continue to pay the installments because it would be a hardship on the seller to have had to reduce the net proceeds on the property and the buyer agreed to take on these payments.

The hardship deferment is only allowed to be given on a year-to-year basis but the person seeking the hardship must be the owner of the property and uses the property as their homestead, 18 years of age and the applicant must qualify for the Homestead Tax Credit Law. In order to qualify for this, your taxable and non-taxable income cannot exceed a maximum of $24,000 per year.

It is Attorney Feind's finding that it is the buyer that would need to petition for the hardship deferment. Based on this, property application would need to be completed for consideration. This should not have been done in the first place; the realtor did not have the authority to make this decision.

If this assessment is not paid in full, it will be placed on the tax bill. If the tax bill is not paid, it can go into foreclosure of unpaid taxes. Administrator Robertson shared that this balance did get placed on the taxes. A letter was sent by Administrator Robertson to the new homeowner so they are aware of this.

Attorney Feind stated that the buyer is the only person that can apply for hardship; it has to be the current owner of the house and they must qualify. This is not to penalize anyone; this is just to get the funds owed to the Village.

Trustee Beck suggested allowing the new homeowner to continue to pay the installments like the previous owner. Attorney Feind warned the Board that allowing new homeowners to take over the installment payments would set a precedent for future home sales with this assessment.

Whenever there is a lender, there is always a title company. The title company will always verify if there are any unpaid taxes or any unpaid special assessments. The Village was contacted and did forward this information. Attorney Feind stated that in 40 years of doing real estate closings, he has never had the buyer assume a special assessment and title companies always put it on the closing statement because they do not want to insure over it.

Attorney Feind stated the petition before the Board this evening is from the seller but it really should be from the buyer, the owner of the property.

Administrator Robertson shared that this really will be no surprise to the new homeowners because the closing documents state the balance of the assessment.

B. Review and approval of Resolution No. 2015-10 Adopting the 2016 Budget and Establishing the 2015 Tax Levy and Rate

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to approve Resolution No. 2015-10 Adopting the 2016 Budget and Establishing the 2015 Tax Levy and Rate. **MOTION CARRIED UNANIMOUSLY.**

C. Discussion regarding Street Vendor Ordinance

Administrator Robertson shared that there were a couple typo concerns within the Street Vendor Ordinance: on the bottom of Page 5 in Sec. 18.243.-Bond, strike the word "running" and replace with the word "payable" and Sec. 18.251.-Term of License and Permit Use (23), it referenced parking meters but the Village does not have parking meters.

President Mobley requested that whoever drafted this Ordinance give the Board an overview. Administrator Robertson stated that Attorney Tim Schoonenberg prepared the Street Vendor Ordinance.

The amount for this permit has not been determined at this point. Another concern of President Mobley is that the Village would not want to establish a situation in which the vendors that have movable carts or trucks can undercut and enjoy the benefits enjoyed by the Village and not pay their fair share of property taxes which means they are not assuming any of the costs for police or fire. Attorney Feind suggested including these costs in the permit fee.

Trustee Kucharski stated that the Ordinance states that no sales shall be made within fifty (50) feet of the main entrance of any business selling same or similar products. In doing some research, 150 feet, 200 feet and even 500 feet are common distances enforced. Fifty feet is really not that far and may be just across the street from a business. Food trucks are an important part of Suburban Harley Fest, the Village Market and Family Fun Before the 4th which are special events in the Village.

Trustee Heinritz identified Sec. 18.252.-Restrictions on License and Permit Use (12) and inquired as to the time indicated of 8:00 PM and 8:00 AM. According to this Ordinance, every evening the amenity strip unit shall not be left unattended.

President Mobley suggested looking at this Ordinance carefully. Trustee Treffert inquired as to having a subcommittee of some sort to look at this Ordinance if the Board feels this is warranted. If the Board drafts an Ordinance, it can certainly be amended. It is agreed that food trucks do take away from existing businesses. Attorney Feind stated that if the Board would like more flexibility in the Ordinance, this could be written in a way that specifies conditional use; however, Conditional Use permits may involve hearings, Plan Commission meetings, Zoning, etc. and a Conditional Use Permit would need to be drafted for each request.

Trustee Treffert inquired as to how these vendors will be monitored. If there is a violation, the business will be cited with an ordinance violation and will go to Municipal Court. President Mobley shared that self-contained carts, ones that can be packed up and moved out at the end of each day, are clean and tidy.

No decision will be made this evening. Discussion is deferred to a later meeting.

D. Review and approval of Ordinance No. 2015-02 Amending Certain Sections of the Sign Code, Regarding A-Frame Signs and Signs Permitted in the Green Bay Road And Main Street Historic Districts

Administrator Robertson stated this Ordinance amends certain sections of the Sign Code regarding A-frame signs and signs permitted in the Green Bay Road and Main Street historic districts in regards to monument signs. This Ordinance strikes "A monument or ground sign may not be located closer than four (4) feet to any property line or driveway," and also indicates that a front setback of "0" is now changed to "3" feet.

In regards to A-frame Signs, "not exceed fifteen (15) square feet per side and shall" has been struck. It does specify that each sign surface is not to exceed 8 square feet. President Mobley shared that is allows for an appropriate sized sign.

Administrator Robertson informed the Board that, in light of a concern regarding the A-frame signs, a letter was sent to business owners asking for a Sign Permit to be filled out and indicated that Jon Censky will follow up to help regulate the use of signs.

MOTION by Trustee Beck, **SECONDED** by Trustee Heinritz to adopt Ordinance No. 2015-02 Amending Certain Sections of the Sign Code, Regarding A-Frame Signs and Signs Permitted in the Green Bay Road And Main Street Historic Districts. **MOTION CARRIED UNANIMOUSLY.**

E. Review and approval to Enter Into a Franchise Agreement for Outdoor Seating In the Right-of-Way with The Cheel

Administrator Robertson asked the Board to defer this to a future meeting to allow adequate time to review. This is a request from The Cheel for 2 or 3 outdoor tables for seating in the public right-of-way. The Franchise Agreement is an agreement between the Village and The Cheel to use the public right-of-way. The liquor license premise description would need to be amended as well.

F. Review and approval of Certificate of Recognition for Attaining the Rank of Eagle Scout, Joseph Wuhrmann, Boy Scout Troop #852

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to approve the Certificate of Recognition for Attaining the Rank of Eagle Scout, Joseph Wuhrmann, Boy Scout Troop #852. **MOTION CARRIED UNANIMOUSLY.**

NEXT RESOLUTION NUMBER:	2015-11
NEXT ORDINANCE NUMBER:	2015-03

XIII. REPORTS AND COMMUNICATIONS

XIV. UNFINISHED BUSINESS

Trustee Lange addressed the Board in regards to the Village Scoop and felt that the results were a mixed bag.

Positives:
Selling ice cream cones is a lot of fun
The Village was an excellent partner – Van recommended the location and Andy's crew was outstanding
Offered really good ice cream and people enjoyed eating it in the Park
Sold just over 8,000 cones over the summer – about $33,000 total sales
Special events and the Farmer's Market were the best outings – Taste of Mequon was great – sold about 750 – with a line from 12:30 PM to 8:15 PM never stopping
People enjoyed Donald Molyneux Park for the first time – it was great to have families enjoy the Park
Families would come grab an ice cream and sit by the river and talk

Negatives:
Did not make any money – lot of hours – served on average 98 people per day
Equipment purchases
First year learning curve – operational miscues, bad weather
Better marketing

Observations:
There are an incredible number of cars using Main Street every day – 14,000 per day – the down side to this is that it is a thoroughfare
People do not see Thiensville as a destination but rather a place in between here and there
Retail has changed dramatically in just the last 5 years
Retailers are "on their own" – while location is still extremely important, there are other important factors required for a retail business to thrive

Twelve trends in retail for 2015/2016:

1. Boomers and Millennials will continue to dominate the retail market requiring retailers to "bridge the gap" between digital and off-line channels
2. Social networks will serve as hopping networks – Like2Buy buttons
3. Brands will double-down on CSR-Corporate Social Responsibility
    a. Apple creating first sun-powered store in Singapore
    b. Anti-photoshop trend
    c. Purchases helping people get glasses
    d. Flu shot for 3rd world countries when you get one
4. Loyalty programs are changing – Walgreens gives points for walking/exercise
5. Retailers will adopt/experiment with technology
    a. Cloud-based POS systems
    b. Elimination of registers
    c. Beacon – service that provides real-time, in-store analytics
    d. Wearable gadgets – Fitbit, GoPro, iWatch, 3-D printing
6. Data – will be more accessible and powerful - Potentially leading to real-time one-to-one shopping experiences
7. Companies find better ways to manage risks and protect customers
8. More retailers will take more control over their value chain
9. E-commerce sites setting up shop offline. However, this also means that Main Street is going to get more competitive and traditional brick-and-mortar retailers must step up their game in order to win
10. Localization will become more important than ever
11. Mobile will continue to grow in all directions – smartphones will play a bigger role in all phases of retail
12. Stores with omnichannel offerings will continue to thrive

Trustee Lange wanted to inform the Board that these types of things are happening and the Village retailers will have to deal with these changes.

President Mobley inquired as to if Village Scoop will be open next year. Trustee Lange is not sure yet, a decision has not been made. One of the challenges the Village Scoop faced was the outside elements. They went through four tents. Trustee Lange shared a plan for a pavilion and stated that ice cream is a treat, something that is gotten occasionally, and that if other things were offered i.e. hot dogs and popcorn, this would be more of a reason for people to stop on a more regular basis.

Trustee Lange believes that tools are provided for businesses to succeed. Trustee Kucharski agreed stating that he utilizes Facebook, Twitter and Yelp. Trustee Lange inquired as to if Thiensville could host a technology day for the small businesses where an expert could help with marketing their business.

Director LaFond shared that in area communities, a certain day and location is designated as food truck day.

The cart was the biggest expense for the Village Scoop. In regards to opening next year, Trustee Lange is planning to make a decision after the holidays. It was an enjoyable and very time-consuming venture.

XV. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE OCTOBER 19, 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. Tia Barrett, Jamberry Nails, $43.65 for 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 Holyoke to accept the donation of $43.65 for the Fire Department from Tia Barrett, Jamberry Nails with much gratitude. **MOTION CARRIED UNANIMOUSLY.**

Trustee Treffert reported that the Turkey Trot plans are going very well. This could not be done without the "can-do" cooperation from the Department of Public Works and the Police Department. As of Tuesday, November 10, 2015, there were 747 registered.

XVI. ADJOURNMENT

MOTION by Trustee Beck, **SECONDED** by Trustee Holyoke to adjourn the meeting at 7:44 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Amy L. Langlois

Amy L. Langlois
Village Clerk

Approved by,

Dianne S. Robertson

Dianne S. Robertson
Administrator