

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

DATE: **Monday, August 21, 2017**

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

TIME: **5:00 PM**

I. CALL TO ORDER

President Mobley called the meeting to order at 5:00 PM.

II. ROLL CALL

President:	Van Mobley	
Trustees:	Kim Beck	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	Elmer Prenzlów
Administrator:	Dianne Robertson	
Attorneys:	Robert Feind	
	Mary Hubacker	
Staff:	Police Chief Scott Nicholson	
	Director of Public Works Andy LaFond	
	Assistant Administrator Colleen Landisch-Hansen	
	Clerk Amy Langlois	

III. PLEDGE OF ALLEGIANCE

Trustee Lange led the recitation of the Pledge of Allegiance.

IV. MOTION TO ADJOURN TO CLOSED SESSION

MOTION by Trustee Beck. **SECONDED** by Trustee Kucharski to adjourn to Closed Session at 5:00 PM pursuant to Chapter 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 regarding police personnel and negotiations and 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 land purchase.

1. Roll Call Vote

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

Naes: None

MOTION CARRIED.

MOTION TO RECONVENE IN OPEN SESSION

1. Vote of Board to reconvene
2. Review and action on Closed Session

MOTION by Trustee Heinritz, **SECONDED** by Trustee Beck to reconvene to Open Session at 6:09 PM.
MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

Upon request of any Trustee, any item may be removed from the Consent Agenda for special consideration.

V. APPROVAL OF MINUTES

- A. Board of Trustees
 - 1. July 17, 2017

VI. DEPARTMENT REPORTS (Receipt)

- A. Department Reports (Receipt)
 - 1. Fire Department
 - a. July Fire, 2017
 - 2. Police Department
 - a. July Police, 2017
 - 3. Public Works Department
 - a. July DPW, 2017 (not available)

VII. COMMITTEE REPORTS

VIII. REPORTS AND COMMUNICATIONS

- A. Historic Preservation Commission
 - 1. June 14, 2017
 - 2. July 12, 2017
- B. Plan Commission
 - 1. June 6, 2017
 - 2. July 18, 2017
- C. River Advisory Committee
 - 1. May 18, 2017 (not available)
 - 2. June 15, 2017 (not available)
- D. Zoning Board of Appeals
 - 1. July 11, 2017
- E. Capital Expenditures

MOTION by Trustee Beck, **SECONDED** by Trustee Prenzlów to approve the Consent Agenda. **MOTION CARRIED UNANIMOUSLY.**

BUSINESS AGENDA

IX. FINANCIAL REPORTS AND ACCOUNTS PAYABLE

- A. Accounts Payable for All Funds
 - 1. Accounts Payable
 - a. July 17, 2017 through August 18, 2017

MOTION by Trustee Prenzlöw, **SECONDED** by Trustee Heinritz to approve the Accounts Payable from July 17, 2017 through August 18, 2017 in the amount of \$415,607.96. **MOTION CARRIED UNANIMOUSLY.**

2. **Financial Report (Receipt)**
 - a. July, 2017

The Financial Report was received.

X. PRESIDENT'S REPORT

- A. **Appointments**
 1. **Fire Department Member**
Kartik K. Swamy

MOTION by Trustee Prenzlöw, **SECONDED** by Trustee Kucharski to approve the Appointment of Fire Department Member Kartik K. Swamy. **MOTION CARRIED UNANIMOUSLY.**

XI. ADMINISTRATOR'S REPORT

- A. **Department Reports**
 1. Administrator's Report

Congratulations to Anna Bakalinsky, Owner and President of Mila's Bakery for being recognized as a Woman of Influence by the Milwaukee Business Journal.

The MMSD 2016 Financial Report is available online as well as in Administrator Robertson's office. The Southeastern Wisconsin Regional Planning Commission (SEWRPC) Vision 2050 Recommended Transportation Plan is also available in Administrator Robertson's office for review.

The Village has been asked by developer David Hoff to do a sewer capacity study for the Green Bay Road sewer for possible development of 32 condominium units just north of the Village between Green Bay Road and Main Street.

The Employee Recognition Dinner is scheduled for Wednesday, November 1st. Another date will be looked into due to a conflict with schedules. The Ozaukee Economic Development Small Business of the Year will be presented to Fiddleheads on Tuesday, September 26th.

The second quarter franchise fees from Wisconsin Bell and Charter Communications have been received.

2. **Building Inspection Department (Receipt)**
 - a. July, 2017 Report

The Building Inspection Department report was received.

XII. ATTORNEY'S REPORT

No Attorney's report.

XIII. COMMITTEE REPORTS

- A. Review and approval of a Proclamation Saluting Mike Wroblewski, Fiddleheads, Recognized by Ozaukee Economic Development as Small Business of the Year

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MOTION by Trustee Beck, **SECONDED** by Trustee Lange to approve the Proclamation Saluting Mike Wroblewski, Fiddleheads, Recognized by Ozaukee Economic Development as 2017 Small Business of the Year.
MOTION CARRIED UNANIMOUSLY.

B. Review and recommendation regarding the January 1, 2017 Population Estimate from the Wisconsin Department of Administration

Administrator Robertson shared that the current population estimate from the Wisconsin Department of Administration is 3,190 and explained that there must be a reason behind any challenge. Conducting our own census is not recognized.

President Mobley inquired as to if the census from the school district can be relied upon. Administrator Robertson will look into this. The next census is in 2020. This estimate hurts with some of the state shared revenues but helps with sewer charges.

Attorney Feind indicated that there appears to be less individuals filing income tax returns. In Wisconsin, social security is no longer taxable which may be the reason why this number is down. In the Village, there are 1,200 residential homes.

Any challenge to the preliminary estimate from the Department of Administration needs to be submitted by September 15, 2017.

Trustee Prenzlou inquired as to if it was possible to get a count from the IRS as to the number of filers in the Village. This preliminary estimate of State filers plus dependents indicates that this number has dropped 900 from 2010 to 2017. Administrator Robertson shared that anyone with low income does not have to file.

Administrator Robertson suggested challenging this due to the fact that the state has exempted social security and, therefore, the Village has a lot of residents that are part of this equation. President Mobley does not believe that this estimate is accurate.

President Mobley requested for the school district and the IRS to be contacted and then for this item to be placed on the September Agenda.

C. Discussion regarding Ordinance 1995-07 An Ordinance Repealing and Recreating Village of Thiensville Municipal Code Sections 16.01 through 16.14 Pertaining to the Electrical Code, Burying of Utilities

Administrator Robertson shared that this Ordinance is before the Board based interest from a resident last month and believes that this is the first resident to challenge this Ordinance since 1995. At the time of the adoption of this Ordinance, there were a lot of overhead wires, and over time this has improved the look of the Village.

Trustee Kucharski supports allowing the residents to have the option to bury or not to bury their utility.

Trustee Heinritz referred to the Ordinance requiring gravel driveways to be paved upon sale of a property. Administrator Robertson indicated that this can no longer be enforced at the time of sale due to State law. The Village would need to require all driveways to be paved and then immediately enforce all to be paved.

Trustee Prenzlou inquired as to if this Ordinance is enforced by our Building Inspector. Administrator Robertson confirmed that this is enforced unless there is some circumstance that makes this too cumbersome. Very few exceptions have been made to this Ordinance.

President Mobley suggested having the Plan Commission review this Ordinance.

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- D.** Review and approval of Amending cheel, llc, 105 South Main Street, Liquor License to Include cheel Parking Lot and 107 Buntrock Avenue for Special Events and Beer Garden

Jesse Daily, the cheel, 105 South Main Street would like to amend the cheel's liquor license to include the backyard of 107 Buntrock as well as the parking lot. The cheel would like to host a charity event in September for ForeSwing, a charity that provides golf lessons to underprivileged children, in the backyard of 107 Buntrock Avenue.

Tom Ourada of the Wisconsin Department of Revenue was helpful in determining that the liquor license for the cheel at 105 South Main Street can be used at 107 Buntrock Avenue due to the fact that licenses can be used on properties that are contiguous and owned by the same people as long as they are not separated by a public right of way (street or sidewalk).

The backyard of 107 Buntrock Avenue and the parking lot will be used for special events as well as a beer garden as an extension of the cheel. The design of the beer garden is still being considered. This space will also be used as an overflow space for customers as they wait for a table at the restaurant.

Trustee Heinritz inquired about the operational hours of the beer garden. There is only one event scheduled for this year at this time and will shut down at 10:00 PM.

Administrator Robertson read a letter from Greg Mueller, 121 South Main Street in support of the beer garden but with concerns about the noise ending at 10:00 PM and asked for this time to be enforced. Mr. Daily did share these plans with Mr. Mueller.

Mr. Daily is sensitive to his neighbors and just recently purchased an automatic shut off device that turns off the outside speakers at 10:00 PM and assured the Board that the beer garden would be shut down by 10:00 PM.

Trustee Kucharski inquired if the backyard would be used for only special events. Mr. Daily confirmed that it would be used daily and that the owner of Core at 107 Buntrock Avenue and cheel at 105 South Main Street are Matthew Beurosse and himself.

Attorney Feind confirmed that one liquor license can be used at another address as long as these properties are contiguous, owned by the same people and described on the liquor application.

Mr. Daily shared that the beer garden will be shut down at 10:00 PM and indicated that there are tenants that live in the upper level of 107 Buntrock Avenue that may use the backyard for their use after that time.

MOTION by Trustee Lange, **SECONDED** by Trustee Beck to approve Amending cheel, llc, 105 South Main Street, Liquor License to Include cheel Parking Lot and 107 Buntrock Avenue for Special Events and Beer Garden to Close at 10:00 PM. **MOTION CARRIED UNANIMOUSLY.**

- E.** Review and approval of TBA Beer Garden Events at Village Park and Amended Temporary Class B Beer and Class B Wine License to include August 24, 31, September 7 and 14

Rob Kos, Executive Director of the Thiensville Business Association (TBA) proposed a beer garden at Village Park from 6:00 PM until 9:00 PM for three consecutive Thursdays starting on August 31st. This will operate under the TBA's insurance and liquor license, will be staffed each week by a Village business, include music with one week having a Packer game on, craft beers and food. The income would be pooled by the participants with a revenue share between the TBA and participating businesses. The hope is to get a sense of what works and have events next year in July and August with possibly a larger event next year. Marc Mrugala, President of the TBA, shared that local businesses will be invited to partake in these events.

The event will not interfere with any families visiting the Park with children at the playground.

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Attorney Feind shared that if the TBA is the licensee, they must purchase the beer and wine from a distributor. Any of the restaurants may bring their own food. The area used to serve must also be indicated on the license.

This event will replace the Tuesday evening events scheduled at Molyneux Park. Mr. Mrugala believes that the events at Molyneux Park may not have the draw that an event at Village Park may have due to Molyneux Park being on a busy street.

Trustee Kucharski indicated that about two years ago a beer garden was proposed in Village Park and turned down. Trustee Kucharski expressed two concerns: 1) that if a beer garden were to be approved in Village Park this would take away business from area businesses, and 2) Village Park is a family-friendly Park and putting a beer garden there is not a good mix.

It was indicated that the TBA would need to be the license holder and purchase from a wholesaler. Area restaurants cannot use their liquor license at the Park. Any licensed bartender in the Village can work anywhere in the Village.

Insurance coverage is also required for any alcohol related incident and must indicate that the Village is held harmless. Mr. Mrugala confirmed that the TBA does carry the required insurance.

Trustee Kucharski also indicated that the appropriate food catering license must be applied for by any of the food vendors.

Mr. Mrugala stressed that taking business away from area businesses is not what the TBA is trying to do and would like to reach out to all the Village businesses regarding these events.

Trustee Kucharski shared concern for Shully's Thursday evening River Sounds events and would not like to see the TBA event take away from Shully's events.

It was also questioned by Trustee Kucharski why the event is called a beer garden and suggested "Thursday Night Music in the Park" instead. Trustee Kucharski stressed that the Park is family friendly and would not want that to change.

There are no more River Sounds events scheduled this year at Shully's.

Trustee Beck suggested next year confirming dates with Shully's to be sure there is no conflict. Mr. Kos confirmed that dates were looked at and scheduling was considered as to not interfere with any other events in the Village.

Trustee Prenzlowl suggested the hours of 5:00 PM to 9:00 PM and supports having a beer garden here in the Village as it is gaining popularity in area communities.

MOTION by Trustee Lange, **SECONDED** by Trustee Beck to approve the TBA Beer Garden Events at Village Park and Amended Temporary Class B Beer and Class B Wine License to include August 31, September 7 and 14 with Trustee Kucharski's Recommendation for a Name Change and to Revisit this Next Year.

Ayes: Trustees Beck, Heinritz, Holyoke, Lange, Prenzlowl and President Mobley

Naes: None

Abstain: Trustee Kucharski

MOTION CARRIED.

F. Review of MMSD Satellite Municipality Capacity, Management, Operations and Maintenance (CMOM) Program 2016 Annual Report

Director of Public Works Andy LaFond shared the 2016 Annual Report for the Capacity, Management, Operations, and Maintenance (CMOM) Program.

The USEPA requires the Village to: properly manage, operate and maintain, at all times, all parts of the collection system that it owns or over which it has operational control, provide adequate capacity to convey base flows and peak flows for all parts of the collection system it owns or over which it has operational control, take all feasible steps to stop, and mitigate the impact of, sanitary sewer overflows in portions of the collection system it owns or over which it has operational control, provide notification to parties with a reasonable potential for exposure to pollutants associated with the overflow event and develop a written summary.

The mission statement of the Village's Sewer Utility is: "To efficiently collect and convey all of our customers' wastewater in the most cost-effective manner while remaining in compliance with WPDES permits, the Clean Water Act, Wisconsin Law and MMSD Rules and Regulations."

Core Goals:

- Comply with the conditions of the WPDES permit
- Minimize the occurrence of preventable overflows
- Improve or maintain system reliability
- Reduce the potential threat to human health from sewer overflows
- Provide adequate capacity to convey peak flow
- Continue to manage infiltration and inflow
- Protect collection system worker health and safety

These goals are reached by the Village's Management Plan, Asset Management Plan, Overflow Response Plan, System Evaluation and Capacity Assurance Plan, Communications Plan and Audit Plan. Ahead of this Annual Report, these Plans are all updated annually.

Since 2008 there have been no sewer bypass or overflows within the Village. Since 2016 the Village has cleaned 27,061.5 feet of sewer which amounts to about one quarter of the Village's system, 80 of 160 manholes have been inspected and the lift station has been visited 5 times per week to do inspections and maintenance.

Since 1999, the Village has spent \$8.5 million on flooding, storm sewer and sewer improvements.

Some upcoming goals include completing the 2015 PP/II project on Madero which is nearly done, petition MMSD for a regional approach to F.O.G. inspection, implement suggested changes to Village Ordinances that could prevent Green Infrastructure and implement a new system wide CCTV inspection schedule and data storage.

Trustee Prenzlou inquired as to the amount of time every year that is required of Director LaFond to prepare this Annual Report and questions the value of this report as there are minimal amount of changes from year to year. Director LaFond reported that it takes about one week to update and collect the data. It has been requested that the District put this Report in a more template form. Every municipality in the state that has a sewer collection system must complete this report.

G. Update from Trustee Lange on Joint Mequon-Thiensville Gateway Committee for the Town Center

Trustee Lange reported on the Joint Mequon-Thiensville Gateway Committee for the Town Center. The Committee has been formed and includes Trustee Lange, Director of Public Works LaFond, Colleen Krueger of Thiensville, David Hagemeyer from Supercuts, Lee Szymborski and Sandy Custer.

The Committee will be meeting again on Thursday of this week to finalize the scope of the project, to finalize an RFP as well as to take a tour. At this time, everything is in the \$500,000 range for the entire scope of the project. The intention is to come back before the Board with more details after the second meeting in September in preparation of budget.

Director of Public Works LaFond is working closely with Kim Tollefson, Director of Community Development for the City of Mequon regarding project details. Connie Pukaite and Trustee Lange are co-chairing the Committee. The improvements that have been made here in the Village are being looked at as a model.

The project will be designed for the parcel of land on the corner of Mequon Road and Cedarburg Road. The current community events sign was part of a larger entryway feature project which also included an arch. The arch was never constructed.

There has been discussions regarding possibly making the bridge over the river in Mequon to look more like the bridge in Thiensville on Green Bay Road by Skippy's.

President Mobley shared that, looking at a map, the geographic center is the intersection of Mequon Road and Cedarburg Road. This location makes sense.

Working with Mequon on this project will benefit both Mequon and Thiensville in many areas. There is the intention of both municipalities to contribute financially as well as many other civic groups.

NEXT RESOLUTION NUMBER:	2017-10
NEXT ORDINANCE NUMBER:	2017-06

XIV. REPORTS AND COMMUNICATIONS

XV. 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.

XVI. UNFINISHED BUSINESS

XVII. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE JULY 17, 2017 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. \$500.00 from James and Katherine Gennrich for Village Park Re-Imagined
 - 2. \$100.00 from Karl and Carol Hertz for Village Park Re-Imagined
 - 3. "Best Village Market" Plaque, Milwaukee's Lifestyle Magazine from Jesse Daily

MOTION by Trustee Lange, **SECONDED** by Trustee Beck to accept with gratitude the following gifts: \$500.00 from James and Katherine Gennrich for Village Park Re-Imagined. \$100.00 from Karl and Carol Hertz for Village Park Re-Imagined and "Best Village Market" Plaque, Milwaukee's Lifestyle Magazine from Jesse Daily.
MOTION CARRIED UNANIMOUSLY.

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- D. Dialog with Mequon regarding water utility service
- E. Review next month's meeting date schedule

The September Committee of the Whole and Village Board will be combined and is scheduled to meet on Monday, September 11, 2017 at 6:00 PM.

Trustee Holyoke requested for the topic of chickens be included on the September Agenda.

It was reported that the railroad track crossing on Buntrock Avenue and Freistadt Road will be repaired. The Village has been informed that the deadline is November 30, 2017.

Director of Public Works LaFond shared that the grading by PWSB for the connection to the bike path will begin this week.

XVIII. ADJOURNMENT

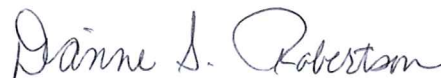
MOTION by Trustee Lange, **SECONDED** by Trustee Holyoke to adjourn the meeting at 7:36 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Dianne S. Robertson
Administrator