

**VILLAGE OF THIENSVILLE
COMMITTEE OF THE WHOLE
AGENDA**

DATE: Monday, June 4, 2012

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

TIME: 6:00 PM

I. CALL TO ORDER

President Mobley called the meeting to order at 6:34 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:	Director of Public Works Andy LaFond, Fire Chief Brian Reiels	

III. BUSINESS

A. Review Capital Expenditures List

B. Review and recommendation regarding Water Main/Curb Box Special Assessment Procedures and Statute regulations (Trustee Heinritz & Attorney Feind)

Trustee Heinritz asked Attorney Feind on the procedures and statutes regarding the Village levying assessments for improvements to abutting properties and specifics on water mains and curb stop boxes.

Attorney Feind stated that if the Village chooses to specially assess a project the assessment is normally made under a police power assessment. To do that the Village has to determine that a property owner will be benefited by the host improvements that are being put in. This has to be a “special and unique” benefit not a general benefit to the community. This is called an uncommon advantage and has to be in a limited and determinable area. An analysis must be conducted to determine if it is an uncommon advantage. It would be a benefit to the people fronting along that area in a unique way. Looking back in the records Attorney Feind reported on the benefits of city water versus well water. City water has been filtered, tested for bacteria, among other things, and city water doesn’t have to be chemically altered or softened. The property owner would not have to worry about the well pump going out, a sprinkling ban being imposed in the summer, etc.

Attorney Feind quoted from the manual “police power assessments must confer some special benefit and not be arbitrary or allocated unequally or unfairly. A property specially assessed under police power must be benefited to some extent and the method of assessment must be reasonable not arbitrary or capriciously burdening a group of property owners.” The method must be fair for all parties involved. There must be an assessment of costs that are equitable and there are different ways of doing so. Some of the differences are: A residential use is different from a commercial use. A property that has vacant land is different from property that is developed. There would need to be an equitable assessment for the benefits to the land owners that have different size and shape properties.

Another issue is when does the Village want these assessments to start? Is water a necessity that everyone needs so can the cost be amortized? Will the wells be abandoned? When there are ordinances in effect, there is no way that a pipe could be connected to an inter-connective pipe that would allow somebody’s arsenic laden well water to go into a Mequon City water main, it would not be allowed. The Village will require that the wells be abandoned. These are some of the considerations that the Village is looking at to make sure that everything is equitable. Deferred assessments are allowed.

Attorney Feind stated that generally almost all of the assessments would be under the police power. The other type of assessment would be for levying of taxes and the property would be valued before and after the water main hook-up to confer a benefit to the property. The police power just says that the community has the power to order something like this for the benefit of the community. When the Village Board determines that they need to have an assessment for all or part of the cost of the specific project the first thing that must be done is the drafting of a preliminary resolution which contains the following information: 1) A declaration of the governing bodies intent to exercise police or taxing power to specially assess a stated municipal purpose 2) A description of the contemplated purpose for which the assessment is to be levied 3) A description of the limits of the proposed area to be assessed 4) the proportion of the cost of the project not exceeding 100% which will be assessed against the benefited properties 5) either the number of installments in which the special assessment is to be paid or a statement that the number of installments will be determined at a public hearing and an order to the proper municipal officer to prepare a report on the proposed work or improvement and the proposed assessment levies. The report that is required by the preliminary resolution should be prepared by the municipal engineer, director of public works or other appropriate municipal officer and it consists of the preliminary or final plans and specifications, an estimate of the entire cost of the proposed work or improvement and what the proposed assessments are.

After this the Village posts a notice of hearing. The notice must be published in the official newspaper as a Class I Notice stating the nature of the proposed work, description of the general boundary lines of the area to be assessed and a desired map of the district, the time and place where the report can be inspected, the time and place in which interested parties or agents or attorneys may appear and be heard regarding the proposed project. Then the hearing must commence not less than 10 days and not more than 40 days after the publication of the notice. The governing body must conduct a hearing prior to levying the special assessments. The purpose of the hearing is to elicit comments, and hear complaints regarding the proposed improvement work and assessment. After the hearing the governing body may approve, disapprove, or modify the report or it may re-refer the report to the officer or employee who prepared it and alter the plans and specifications to accomplish a fair and equitable assessment.

The summary of the general law is you can specially assess as long as you are fair and equitable in doing so. After it is decided to proceed with the work, the Village would prepare a final resolution. The resolution is a directive that the public work or improvement be performed, the assessments levied and the report is accepted or modified. The number in terms of the assessments, provision for collection of the assessments, penalties imposed for failure to pay, statement that all assessment installments permitted if they are not paid by a specific date be placed on the tax roll and collected as a delinquent tax. Other terms and conditions allowed for deferral of assessment while no use is made of the improvement being financed thereby. Either an interest rate could be charged or have the connection fee increased. Administrator Robertson commented that another option would be to demand the assessment at the time of connection (if not a hardship) or the time of sale of the property. The final resolution is then published, and notice of the installment assessments is the final portion.

Trustee Heinritz asked under what pertinent reasons would the health and welfare of the general public be a viable consideration and would economic redevelopment of an area be a consideration. Attorney Feind would hesitate to word it as economic development of the downtown area and then only levy the assessment against two blocks on Main Street. It must be unique and benefit the properties concerned. Trustee Heinritz stated that the stop box is where the building owner would tap in, that would be at the owner's expense, the hook up would be at the owner's expense but would they not pay this until they connected? Trustee Heinritz asked could they be required to pay when the building is sold? Attorney Feind answered that is one of the options and the other option is to pay within so many years, the other option is to pay right away. The property owner will not be required to connect but will be required to abandon their well if connection is made. Trustee Heinritz asked if some people wanted to connect and some people didn't can the Village assess for the main and the stop box to the properties that didn't want to connect? Attorney Feind answered that we could assess and if they didn't want to connect we could defer it for a number of years or until the sale of the property or amortize.

**Committee of the Whole, meeting minutes
June 4, 2012, page three of seven**

Administrator Robertson stated that this water main may only go to the old lumberyard. What is the argument for someone within that boundary to say why don't you extend down to the Whitecoach Condominiums on South Main

Street? Attorney Feind answered that this argument will possibly come up at the public hearing. The argument could be that these properties don't have problems with their wells or any water problems referring back to the uniqueness issue. Trustee Heinritz stated that this project can't be done successfully on a casual basis, there has to be a definite plan to make it economical for the Village to get involved. Attorney Feind commented that the Village has to cover their overhead costs. This would need to be done before the Main Street reconstruction.

Administrator Roberson read from the Intergovernmental Agreement with Mequon, Section 15 New Development and Redevelopment that: It is recognized by the parties that the policy of Thiensville to protect, preserve and mitigate the stress on the aquifer(s) which services the franchise area and requires that future new developments and redevelopments in the franchise area be served by community water systems, and to the degree practicable, by Mequon. Therefore, Thiensville will, to the extent reasonably possible, require that water facility infrastructure constructed by developers in existing and future developments and redevelopments meet comparable standards for design and construction as compared with those of Mequon and that the same be available for joinder to Mequon's system. To the extent that Mequon may acquire such facilities at less than the cost to construct same or full value thereof, Mequon shall consider same "contribution in aid of construction" for rate making purposes.

C. Hear three Homestead High School groups regarding class project recommendations

Teacher Mrs. Susan Leaders was in attendance along with two different Homestead High School Groups regarding class project recommendations. The first presentation was to propose an increase in the speed limit on Freistadt Road from 123 W. Freistadt Road to River Road. The second presentation was a proposal to combine the Fire Departments of the Village of Thiensville and the City of Mequon.

**D. Review and recommendation regarding disparity in swimming pool rates
(Trustee Beck)**

Trustee Beck feels strongly that if these differences in rates could be eliminated this would be a positive thing. Mequon has different swimming pool rates for Thiensville. The Village does not subsidize the pool in Mequon, Mequon covers the costs entirely within their budget.

**E. Review and recommendation regarding digitization of packet materials
(Trustee Beck)**

Combining Item G with E.

Director of Public Works Andy LaFond stated that the packets included a handout from Civic Plus for a website redesign implementation of a web content management system. Mr. LaFond gave a background of how the Telecommunications Committee got to this point. They have met several times and discussed the options for the Village website and digitization of packet materials. Mr. LaFond talked about the cable access TV channel and the equipment to do this is very old and takes a lot of staff time. Mr. LaFond talked about the different ways of communicating events and dates of a variety of different topics and the ways to do this through social media. The new website needs to be easy to navigate and the Board realizes that the Village has an older demographic community. The Village needs a robust content management system where untrained IT staff can go in and alter a web page within several clicks to update pictures, add an agenda, minutes etc. Currently, we do not have this capability in-house because we do not have the software and don't have any IT staff.

The Fire Department has their own website, the Police Department does not have a website and the Village website is governed by the county. The system that is being recommended includes e-notify that can provide whatever the resident wants, or they can pick and choose from things like storm alerts, emergency information, garbage information regarding truck breakdowns, community calendars, etc.

**Committee of the Whole, meeting minutes
June 4, 2012, page four of seven**

Several vendors were interviewed and some of the surrounding communities are looking at Civic Plus also, Ozaukee County, Bayside, and Grafton. Civic Plus provided references nationwide that had similar population to Thiensville for comparison purposes and Mr. LaFond checked references to make sure everything is going okay and there are no problems with Civic Plus. This will be 100% turnkey, that the Village is not left with something that is half built, that the cost fits within the budget and for the vendor to have familiarity with government entities, their

support, training, maintenance and hosting, and capacity for storage etc. Mr. LaFond showed some of the web sites to the Board that use Civic Plus. Trustee Beck asked how long this would take to implement and the timeframe for completion for this is 6 months from start to finish. There are different levels of access and there can be one person who ultimately approves any changes. Meeting agendas can also be created in this system.

The Board talked about purchasing I-pads, tablets or something comparable to avoid all the paper that is being used for the Board packets. The packets would be available on-line instead of creating paper copies.

Trustee Treffert would like to find out what the City of Mequon plans are in regards to this same topic and feels the Village and the City should synchronize with each other. Mr. LaFond commented that the cost is based on the amount of the content on the website. The City of Mequon is moving ahead with Twitter and Facebook and Mequon has staff handling some of this, whereas Thiensville does not have the staff to do so. Trustee Treffert feels the Village should work with Mequon regarding some of these issues.

Chief Brian Reiels argued against working with Mequon and reported that it is very tedious for the Fire Department staff to update their website all the time to keep the information fresh. Chief Reiels is concerned that if we get Mequon involved that will just be another bureaucracy to deal with and another administration to deal with. The Village would be waiting on someone else for decisions. This should be individual for the Village. Trustee Holyoke likes the idea of the Administrator being the gatekeeper meaning she would approve any changes to the site. Trustee Treffert is all for intergovernmental cooperation with the City of Mequon. Trustee Beck feels the City, the Village and the School District should have some commonality. Trustee Lange stated that the first thing people do is access the web for information. If the Village had the control we could make changes in a snap. The School District website could be a link on our website also.

- F. Review and recommendation regarding creation of an adhoc committee to promote and recognize new business in the community (Trustee Beck)

Trustee Beck received an email from resident Minna Smith to see what more could be done to recognize new businesses in the community and she thought it would be nice if the Village were to purchase an advertisement that would go into the local newspaper. Maybe the Village could take an active role by including new businesses on the website and somehow help in recruiting new business. With this adhoc committee maybe Minna Smith could be on the committee also and make recommendations to encourage business in Thiensville and what is wanted in the community. The TBA (Thiensville Business Association) promotes business in Thiensville and is very proactive. Trustee Kucharski brought up sending out a Village wide survey to residents to see what they want to see in the downtown area in regards to types of business.

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to recommend to the Board creating an adhoc committee to promote and recognize new business in the community with Trustee Lange and Beck as co-chairmen. **MOTION CARRIED UNANIMOUSLY.**

- G. Review and recommendation regarding converting Thiensville's website to Civic Plus

MOTION by Trustee Treffert, **SECONDED** by Trustee Holyoke to recommend to the Board converting Thiensville's website to Civic Plus. **MOTION CARRIED UNANIMOUSLY.**

Committee of the Whole, meeting minutes June 4, 2012, page five of seven

- H. Review and recommendation regarding elimination of parking space at 149 Green Bay Road (one year review)

Administrator Roberson reported that last year there was both an entrance and an exit at this property and the owners wanted to block off one entrance/exit due to accidents and potential accidents and to test the feasibility of how one entrance/exit would work. The Board thought a curb should be placed there to add a parking space on the street and the curb cost should be the property owner's responsibility. Administrator Robertson thought that there may be an issue with charging the property owner because this could cost a couple thousand dollars and the owners have other

issues that are currently taxing them.

The Village Board agreed with the property owner that the one entrance/exit worked much better for this area. The Village Board asked the Administrator to work with the property owner to place a curb at the existing south entrance.

- | | |
|-----------|--|
| I. | Review and recommendation regarding Fire Department promotions |
| | <u>EMS Lieutenants</u> <u>Fire Lieutenants</u> |
| | Laurel Kadow Michael Barrett |
| | Lis Handgraaf Jason Katz |

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to recommend to the Board promotions of Laurel Kadow and Lis Handgraaf to EMS Lieutenants and Michael Barrett and Jason Katz to Fire Lieutenants. **MOTION CARRIED UNANIMOUSLY.**

- J.** Review and recommendation regarding renewal beverage operator's license
Shully's – Ashley M. Feucht, Stephanie L. Frost, Scott S. Jones

MOTION by Trustee Heinritz, **SECONDED** by Trustee Kucharski to recommend to the Board approval of the renewal of operator's licenses to Ashley M. Feucht, Stephanie L. Frost, Scott S. Jones. **MOTION CARRIED UNANIMOUSLY.**

- K.** Review and recommendation regarding shared parking lot, dryland access and Pigeon Creek wall repair adjacent to 108 and 118 N. Main Street

Administrator Robertson reported that Ms. Anna Burns from the Brookwater Group is working with David and Tom Reuter in regards to redevelopment of their lot. She feels that there should be some type of a shared parking lot and shared access throughout both of these lots whereby there would be an entrance near the old Village Hall and an exit near the Reuters building. There would be parking for Reuters only during their business hours and then during non business hours the parking lot could be used by any individual using the downtown area. The Village owned lot would have the remainder of the parking spots. In exchange there would be an easement for the Village to use the Reuters lot for parking, easement for dryland access through to Fiddleheads, which the Village would require to get those properties out of the Floodplain. Also the wall behind the Reuter building would be repaired. The Village repaired walls along Pigeon Creek except for this wall because at the time it would have done damage to the building because of the proximity of the building to the creek.

The cost to raze the Village property, paving, elevating the dryland access, repair to the wall is estimated at \$170,000 for the Village work. The request by the Reuters for the wall and the fill would be about \$17,000. The Village has unreserved funding in the Capital Projects Fund that could be used for this purpose. In the past years money has been used from the Capital Projects Fund and then the money refunded with TIF money. This would include shared parking, dryland access easement and fixing the wall. The floodplain boundaries are changing so the entire wall to the old Village Hall may need to be fixed. Fiddleheads is currently raised enough to be out of the floodplain but because there is no connection to dryland it is an island and FEMA will not allow this property to be out of the floodplain unless there is a connection to dryland. There is a dryland access agreement for the Fiddleheads property and Reuters will have the same requirement. Trustee Heinritz commented that before the **Committee of the Whole, meeting minutes June 4, 2012, page six of seven**

Village purchased the property to the north of the old village hall the old village hall building was right on the lot line. The gas line serving the old village hall was also on this other property. If the Village ever wanted to expand the most logical place was the north side which is why the Village purchased the property in addition to the dryland access needed. Reuters new building will be a building that will compliment the Fiddleheads building. The easement would be a permanent easement for the dryland access.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Heinritz to recommend to the Board to approve moving forward regarding a shared parking lot, dryland access and Pigeon Creek wall repair adjacent to 108 and 118 N. Main Street which includes the request from the Reuters. **MOTION CARRIED UNANIMOUSLY.**

- L.** Review and approval of appointments to Village Committees

CITIZEN APPOINTMENTS:

Zoning Board of Appeals

William Davis, 220 Bel Aire Court, to fill the unexpired term of Richard Gattoni to expire 05/2014

Plan Commission

Richard Gattoni, 504 Alta Loma Drive, Three-Year Term to expire 4/2014

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to recommend the citizen appointments to the following: Zoning Board of Appeals - William Davis, 220 Bel Aire Court, to fill the unexpired term of Richard Gattoni to expire 05/2014 and Plan Commission - Richard Gattoni, 504 Alta Loma Drive, Three-Year Term to expire 4/2014. **MOTION CARRIED UNANIMOUSLY.**

NEXT RESOLUTION NUMBER:

2012-15

NEXT ORDINANCE NUMBER:

2012-01

IV. 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.

V. MISCELLANEOUS BUSINESS BY TRUSTEES AS MAY PROPERLY BE BROUGHT BEFORE THE BOARD.

- 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. Schmit Ford, Bike Safety, \$100
 - 2. Suburban Motors, Bike Safety, \$175
 - 3. Grube's Towing & Repair, Bike Safety, \$150
 - 4. Thiensville-Mequon Lions Club, Bike Safety, \$400
 - 5. Thiensville-Mequon Lions Club, Baseball Cards, \$400

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to recommend to the Board acceptance of the following gifts: Schmit Ford, Bike Safety, \$100, Suburban Motors, Bike Safety, \$175, Grube's Towing & Repair, Bike Safety, \$150, Thiensville-Mequon Lions Club, Bike Safety, \$400, and Thiensville-Mequon Lions Club, Baseball Cards, \$400. **MOTION CARRIED UNANIMOUSLY.**

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

The Committee of the Whole, Board and Plan Commission will meet on Monday, July 2, 2012.

Committee of the Whole, meeting minutes

June 4, 2012, page seven of seven

F. Discuss Family Fun Before the Fourth Event and Parade

There will be a magnetic logo to put on the red pickup truck. If anyone has another vehicle other than President Mobley's red truck please let President Mobley know.

Trustee Lange would like to get name tags for the Trustees.

Administrator Robertson sent a letter to the DOT asking the funding of Green Bay Road to be transferred to Main Street and what restrictions are they going to have in regards to Main Street. There will be no further restrictions since there are currently sidewalks, places for bikes, street pole lighting, etc.

Administrator Robertson had a meeting with the City of Mequon and Laurel Acres Water Trust for a proposal on design and engineering for the water main. Laurel Acres has sent a letter of intent to the City of Mequon so things are moving forward.

VI. ADJOURNMENT

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to adjourn the meeting at 9:37PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Approved by,

Susan R. Conway
Administrative Assistant

Dianne S. Robertson
Village Clerk