

**VILLAGE OF THIENSVILLE
COMMITTEE OF THE WHOLE
MINUTES**

DATE: Monday, February 4, 2013

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

TIME: 6:00PM

I. CALL TO ORDER

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

II. ROLL CALL

President:	Van Mobley	
Trustees:	Kim Beck	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	John Treffert
Administrator:	Dianne Robertson	
Staff:	Director of Public Works Andy LaFond, Fire Chief Brian Reiels	
	Police Chief Scott Nicholson	
Planner:	Jon Censky	

III. BUSINESS

- A.** Review Capital Expenditures List

- B.** Review and recommendation regarding Ordinance No. 2013-01 Inspections of Private Property and Remedial Work by the Village for Plumbing, Sewer, Water and Stormwater Compliance

Director of DPW Andy LaFond reported that this is an ongoing conversation regarding this ordinance and went over the proposed language in detail. Revisions were needed to the proposed ordinance so that the ordinance reflected the Village Boards philosophy without compromising the known ownership of private laterals. Documents were included in the packet to help the Village Board understand the existing ordinance and to also help the Board to understand the proposed changes. Most of the proposed changes are now drafted from an ordinance adopted in the Village of Elm Grove. Elm Grove has many similarities to Thiensville to include size, floodplain issues, age of structures and the Village shares the same Engineer Ruekert & Mielke.

Trustee Treffert commented that the property owner owns the lateral that connects to the sewer main. The Village has the right to inspect these laterals for leaks. These leaks can contaminate wells. The property owner is responsible for repairing any problems to these laterals with the Village helping in any way that they can.

Mr. LaFond explained the changes in the many documents that were provided in detail. The Village Attorney has not looked at this yet, this way the Board can make any changes before Attorney Feind reviews the documents. President Mobley wanted to know that since the current ordinance has served the Village well in the past why do we need a new ordinance. Mr. Lafond explained that the old ordinance did not address physically entering the property above ground to drill the holes and put the dye water in which is the newest way of testing and one of the best ways to see how bad a leak is. The old ordinance stated entryway could be performed through the pipe from the street and the inspector could not go into the house unless it was voluntary by the property owner. An example would be a foreclosure where a home is owned by a bank in another state and the bank is not cooperating. This would allow the Village inspector onto the property. A repair order can then be issued by the Director of Public Works to a property owner found to have any defects where the amount of clear water is determined to be adversely affecting the entire system or where it could cause damage to the Village roads or right-of-way.

This allows the Village to not get the Village Attorney involved with a court order if a property owner is not being cooperative with a request to enter the premises. Trustee Mobley does not feel that the ordinance needs to be rewritten and that most property homeowners are very cooperative. Trustee Treffert feels why shouldn't we change the ordinance? Engineer Mike Campbell suggested the change to the ordinance because it has worked in other areas. Trustee Kucharski feels that most property owners would be cooperative but if in the future the Village does not get cooperation from owners then the Board could come back and make the changes to the ordinance. Trustee Holyoke feels the same as Trustee Kucharski and President Mobley. Administrator Robertson explained the existing authority and process that has been implemented. Trustee Heinritz stated that this is a logical tool and feels this is just a simple change to the ordinance.

MOTION by Trustee Heinritz, **SECONDED** by Trustee Treffert to recommend to the Board to make the changes as presented in concept and send to the attorney for his review.

Ayes: Trustees Heinritz, Holyoke and Treffert

Naes: Trustees Beck, Kucharski, Lange and President Mobley

MOTION CARRIED.

C. Review and recommendation regarding the MMSD I/I Program

A written comparison of how other MMSD communities have decided to fund Private Property I/I projects was provided to the Board. There is \$95,000 available in MMSD funds of which there is \$46,000 for the inspection portion. The Village Board needs to set a formula for repairs. 100% of the cost is divided equally and if MMSD funding is short the difference will be split. There is enough money to fix all 24 laterals if they were all bad.

President Mobley feels that the money should be used on a voluntary basis and to fix laterals as we move forward with Village projects. Not every property will have the same cost to fix their laterals. Mr. LaFond commented that the Green Bay Road property laterals averaged about \$3,000 to fix. MMSD will not pay for a bad lateral that is not in a project area.

Only cooperative property owners are eligible with the amount divided equally and the money is split if there is shortage. If others are not cooperative then they pay 100% and this would come back to the board.

MOTION by Trustee Beck, **SECONDED** by Trustee Kucharski to recommend to the Board the MMSD I/I Program as stated above.

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

Naes: Trustee Holyoke

MOTION CARRIED.

Under section Division 3 Connections 78.134D disturbances and abandonment Mr. LaFond wanted to make sure that any building demolished or abandoned to include redevelopment in the Village must have a good lateral and be free from defects.

MOTION by Trustee Heinritz, **SECONDED** by Trustee Holyoke to recommend to the Board under section Division 3 Connections 78.134D disturbances and abandonment that any building demolished or abandoned to include redevelopment in the Village must have a good lateral and free from defects. **MOTION CARRIED UNANIMOUSLY.**

D. Review and recommendation regarding a sign code revision as recommended by the Plan Commission and reviewed by the Historic Preservation Commission

Mr. Jon Censky was in attendance and reported that the latest sign code was adopted in November 2011. Because there are so many non-conforming signs in the Village the decision was made to revisit the sign code to make it more business friendly but still have control over the aesthetic standards. Because the new code is highly restrictive it should still be used but used in the historically sensitive areas of the community and the standards for the business signs in other areas of the community should be changed as necessary.

The changes to the Sign Code were included in the packet. Landscape requirements were also changed in regards to size requirements to reduce the area of landscaping required. Any variances will have to be justified but will be looked at by the Plan Commission.

Both the Plan Commission and the Historic Preservation Commission looked at these changes. The big decision is in regards to the size of building mounted projecting signs. The current code requires a maximum size of 9 square feet and the Plan Commission feels that this is way too small so they raised the size to 16 square feet but the Historic Preservation feels that the size should be 12 square feet. Trustee Kucharski attended the Plan Commission and feels that 9 square feet is not workable and the size should be 16 square feet for the betterment of the business community. The Fiddleheads projecting sign is 16 square feet on their newest building at 120 N. Main Street.

Trustee Heinritz agrees with all the proposed changes to the Sign Code except for the building mounted projecting signs. Many of the businesses in the B-1 District especially on S. Main Street do not have signs of this size and there has not been a problem. Many of the buildings are close to the sidewalk. If there was a need for a larger sign this could be addressed under 16.24 (unique and unusual circumstances). The HPC can require a sign to be smaller than the largest allowable sign. Trustee Heinritz feels that 12 square feet is appropriate along with the other Historic Commissioners. Ground mounted signs have a size requirement of 12 square feet in the Historic District. Administrator Robertson stated that the Plan Commission trumps the Historic Preservation Commission. If the HPC did not grant a Certificate of Appropriateness then the matter would have to go the Board and President Mobley does not want this to have to happen.

Trustee Lange feels that this is an issue with the community and if more people want a 16 square foot sign then they should be able to. Trustee Holyoke commented about signage on the sides of buildings that face the bike path and right now there is only one permanent sign that is allowed on one public street. Mr. Censky stated the sign code could be changed to include additional signs for a business with two public right-of-ways which would include the Riverwalk in addition to the bike path.

MOTION by Trustee Lange, **SECONDED** by Trustee Holyoke to recommend to the Board regarding a sign code revision as recommended by the Plan Commission to include building mounted projecting signs to be a maximum of 16 square feet and to include allowing additional signs for a business with two public right-of-ways (i.e. bike path and Riverwalk).

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

Naes: Trustees Heinritz

MOTION CARRIED.

**Committee of the Whole, meeting minutes
February 4, 2013, page four of five**

E. Review and recommendation regarding appointing Laurie S. Karafin to the Fire Department

Chief Reiels commented that the website is really paying off for getting new fire members and thanked the Board. This candidate has a very impressive background. This is the first application on line that was unsolicited. Ms.

Karafin has a Masters in EMS and a BA in psychology. There is one year of educational commitment.

MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to recommend to the Board the appointment of Laurie S. Karafin to the Fire Department. **MOTION CARRIED UNANIMOUSLY.**

- F. Review and recommendation regarding Renaissance Committee member appointment of Steve Meyer

MOTION by Trustee Lange, **SECONDED** by Trustee Beck to recommend to the Board to appoint Steve Meyer as a new member to the Renaissance Committee. **MOTION CARRIED UNANIMOUSLY.**

- G. Review and recommendation regarding Bike & Pedestrian member appointment of John Liegeois to replace Tom Clark

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to recommend John Liegeois to replace Tom Clark as a member of the Bike & Pedestrian Committee. **MOTION CARRIED UNANIMOUSLY.**

NEXT RESOLUTION NUMBER:	2013-04
NEXT ORDINANCE NUMBER:	2013-02

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.

Ms. Jennifer Abraham commented that Ms. Anna Bakalinsky (Mark & Mila Kofman's daughter) is one of the under 40 business leaders. Mr. LaFond will put this on the website.

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

Administrator Robertson reported:

Steve Sand wants an extension of the \$5,000 payment because he was out of water and could not hire help to clean up the building on N. Main Street.

The bids on Laurel Acres Water Distribution system came in even better than Century Estates.

Alta Loma is being worked on by the Engineer.

Committee of the Whole, meeting minutes
February 4, 2013, page five of five

VI. MOTION TO ADJOURN TO CLOSED SESSION

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to adjourn to closed session at 7:45 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 officer candidates.

1. Roll Call Vote

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

Naes: None

MOTION CARRIED.

MOTION TO RECONVENE IN OPEN SESSION

1. Vote of Board to reconvene.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to reconvene in open session at 7:59 PM.

MOTION CARRIED UNANIMOUSLY.

2. Review and recommendation to extend a conditional offer to a police officer candidate.

VII. ADJOURNMENT

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to adjourn the meeting at 8:02 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Approved by,

Susan R. Conway
Administrative Assistant

Dianne S. Robertson
Village Clerk