

MINUTES
VILLAGE BOARD MEETING
Tuesday, October 10, 2023 at 7:30 PM
Village Board Meeting

1. Call to Order and Roll Call

Meeting called to order at 7:30 PM by Pres. Heckendorf.

Members Present: Pres. Heckendorf, Tr. Emmrich, Tr. Engelhardt, Tr. Olson, Tr. Kruepke, Tr. Matter, and Tr. Wells.

Members Excused: None

Members Absent: None

Staff Present: Administrator Jen Keller, Treasurer Darlene Smith, Police Chief Ryan Vossekuil, Fire Chief Aaron Swaney, Building Inspector Collin Johnson, Parks & Recreation Director Kelly Valentino, and Clerk Anastasia Gonstead.

2. Pledge of Allegiance

3. Ceremonial Swearing In of Police Officer David Tucek

Clerk Anastasia Gonstead performed the ceremonial swearing in of Police Officer David Tucek.

4. Presentations

a. Financial Management Plan Update - Operational and Utilities Planning

Admin. Keller provided a summary of the Financial Management Plan (FMP) Subcommittee workshop meeting and what would be presented. At the FMP Subcommittee meeting, it was requested that Ehlers provide some projections tonight. The hope is to have a signal from the Board as to how to address mill rates so employees can bring refined information forward at the upcoming budget workshop.

Brian Roemer, of Ehlers, presented the Financial Management Plan Update - Operational and Utilities Planning. He outlined current positives, including increasing fund balances and additional budgetary capacity due to additional state aid (CMA) - Act 12, approx \$203k. He also expanded upon some challenges, including levy limits and NNC, onpar with the County average, which puts the Village in a moderate standing and GO Debt Limit is in good standing (34%) but limited. These are common challenges for all municipalities. Explanation of NNC & Levy Limit Parameters. 2023 NNC 2.369%, est. allowable 2024 levy increase is \$92,971. A full levy needs summary was provided, with a total levy increase of \$88,439.

At subcommittee level, the consensus was to freeze the mill rate. The Village Board members did not come to a unanimous consensus, but freezing the tax rate and exploring

increases, inflationary and maximum allowable, were all open for further discussion. The sentiment was expressed that they would like to obtain further information at a budget workshop before giving further guidance.

Expenditure restraint qualification was explained as well as the caveat that this year municipalities can eclipse the limit and reset the ceiling. A brief overview of sewer and utility rates was provided, with more information to come in further workshops.

5. Public Hearings

- a. Ordinance #23-14 - Rezoning Parcel V3_046500C9994 - Juanita Nickelson

No comments from the public.

- b. Ordinance #23-15 - Ordinance to Amend Several Sections of the Village Code Pertaining to Impact Fees

No comments from the public.

- c. Conditional Use Request - Request to Exceed the Maximum Number of Dogs Per Residence - 3247 Sherman Parc Circle - Emily Duckert

Lori Duckert voiced that she was in the audience, but had no further comment.

- d. Conditional Use Request - Auto Dealership Expansion - N168W20069 Main Street - Auto Thirst, LLC - Anthony Jones

No comment from the public.

6. Village Citizen Comment on an Agenda Item (Please sign-in with the Clerk prior to speaking. Please note this is the Village Board's monthly business meeting, not a public hearing. People wishing to speak on an item on the agenda should present their comments under this agenda item. Each commenter will be limited to a total of 2 minutes.)

None.

7. Consent Agenda

The motion to approve the Consent Agenda items was made by Tr. Emmrich and seconded by Tr. Engelhardt.

Vote: 7 ayes, 0 nays. Motion carried.

- a. Approval of Minutes for the Village Board Meeting of September 12, 2023

- b. Approval of Memorandum of Understanding for Badger Book Usage

8. Approval of Licenses

The motion to approve the licenses en mass was made by Tr. Wells and seconded by Tr. Emmrich.

Vote: 6 ayes, 0 nays. Tr. Kruepke abstained from the vote. Motion carried.

- a. Approval to Issue Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor Licenses for Jackson Ellahi LLC, DBA Jackson BP, N168W22224 Main Street
- b. Appointment of a New Agent for J&M LTD, DBA Village Mart, W213N16770 Glen Brooke Drive - Mandeep Dran

9. Budget and Finance Committee

- a. Pay Request #4 - Oaks of Jackson Subdivision - DF Tomasini Contractors Inc., for the Amount of \$12,243.50

The motion to approve Pay Request #4 - Oaks of Jackson Subdivision, to DF Tomasini Contractors, Inc, for the amount of \$12,243.50, was made by Tr. Olson and seconded by Tr. Wells.

Vote: 7 ayes, 0 nays. Motion carried.

- b. Pay Request #3 - 2023 Utility Street Improvement Project - Vinton Construction, for the Amount of \$855,189.40

The motion to approve Pay Request #3 - 2023 Utility Street Improvement Project, to Vinton Construction, for the amount of \$855,189.40, was made by Tr. Engelhardt and seconded by Tr. Olson.

Vote: 7 ayes, 0 nays. Motion carried.

- c. Pay Request #2 - Jackson Park Tennis Pickleball Project - Vinton Construction, for the Amount of \$157,641.29

The motion to approve Pay Request #2 - Jackson Park Tennis Pickleball Project, to Vinton Construction, for the amount of \$157,641.29, was made by Tr. Olson and seconded by Tr. Engelhardt.

Vote: 7 ayes, 0 nays. Motion carried.

- d. TID #7 - Commercial Property - Amending Engineering Proposal for Cedar Corp., Not to Exceed \$26,000.00

The motion to approve TID #7 - Commercial Property - Amending Engineering Proposal for Cedar Corp., not to exceed \$26,000.00, was made by Tr. Engelhardt and seconded by Pres. Heckendorf.

Vote: 7 ayes, 0 nays. Motion carried.

10. Plan Commission

- a. Ordinance #23-14 - Rezoning Parcel V3_046500C9994 - Juanita Nickelson, First Reading

Motion to approve Ordinance #23-14 made Tr. Emmrich and seconded by Tr. Kruepke.

Votes: 7 ayes, 0 nays. Motion carried.

Motion to suspend the rules for a second reading of Ordinance #23-14 made by Pres. Heckendorf and seconded by Tr. Kruepke. Roll vote taken.

Pres. Heckendorf: Aye

Tr. Emmrich: Aye

Tr. Engelhardt: Aye

Tr. Kruepke: Aye

Tr. Matter: Aye

Tr. Olson: Aye

Tr. Wells: Aye

Vote: 7 ayes, 0 nays. Motion carried.

Motion to approve the second reading of Ordinance #23-14 was made by Tr. Emmrich and seconded by Tr. Kruepke.

Vote: 7 ayes, 0 nays. Motion carried.

- b. Conditional Use Request - Request to Exceed the Maximum Number of Dogs Per Residence - 3247 Sherman Parc - Circle - Emily Duckert

The motion to approve the Conditional Use Request of Emily Duckert at 3247 Sherman Parc Circle to exceed the maximum number of dogs per residence, being subject to the following conditions:

1. No additional animals may be kept upon the property; and
2. The dogs shall be vaccinated and licensed annually with the Village; and
3. The Conditional Use Permit shall expire at any such time as any one of the current dogs passes away or no longer resides at the property; and
4. No similar Conditional Use Permits shall be granted to the owners in the future; and

5. Upon receipt of a written complaint and review by the Plan Commission, this Conditional Use Permit may be subject to additional regulation and/or potential revocation by the Village.

The motion was made by Tr. Emmrich and seconded by Tr. Wells.

Vote: 7 ayes, 0 nays. Motion carried.

- c. Conditional Use Request - Auto Dealership Expansion - N168W20069 Main Street - Auto Thirst, LLC - Anthony Jones

The motion to approve the Conditional Use Request allowing for the expansion of vehicle storage for Auto Thirst, LLC to include the rear, main level garage/warehouse area at N168W20069 Main Street, being subject to the following conditions:

1. Vehicle repair work of any kind is prohibited anywhere on-site; and
2. Vehicles shall be stored inside the building at all times, except when actively being shown to a potential customer; and
3. A 2-hour firewall shall be constructed to separate the parking garage area from the adjacent tenant spaces, in accordance with applicable code requirements; and
4. A mechanical ventilation system shall be installed in the garage/warehouse area, in accordance with applicable code requirements; and
5. Occupancy shall not occur until all building code requirements have been satisfied and approved.

The motion was made by Tr. Engelhardt and seconded by Tr. Emmrich.

Discussion occurred prior to the vote. Tr. Engelhardt had a question about mezzanine strength. Inspector Johnson provided an explanation. Discussion was had between the elected officials, Inspector Johnson, and Chief Swaney as to the history of non-compliance and inability to gain access to the property, voluntarily, for inspection. Options were provided on how to verify if business is still being conducted, including an inspection warrant that could be obtained with the assistance of legal counsel.

Vote: 0 ayes, 7 nays. Motion failed.

General consensus reached that it would be preferred that an inspection occur, with the assistance of legal counsel to gain access, before further addressing this conditional use request.

11. Board of Public Works

- a. Ordinance #23-15 - Ordinance to Amend Several Sections of the Village Code Pertaining to Impact Fees, First Reading

Motion to approve Ordinance #23-15 was made by Tr. Wells and seconded by Tr. Olson.

Votes: 7 ayes, 0 nays. Motion carried.

Motion to suspend the rules for a second reading of Ordinance #23-15 made by Pres. Heckendorf, seconded by Tr. Olson. Roll vote taken.

Pres. Heckendorf: Aye

Tr. Emmrich: Aye

Tr. Engelhardt: Aye

Tr. Kruepke: Aye

Tr. Matter: Aye

Tr. Olson: Aye

Tr. Wells: Aye

Vote: 7 ayes, 0 nays. Motion carried.

Motion to approve the second reading of Ordinance #23-15 was made by Tr. Wells and seconded by Tr. Olson.

Vote: 7 ayes, 0 nays. Motion carried.

b. Review of Transportation Plats for a Roundabout at Eagle Drive and STH 60

The motion to approve the final plats for the roundabout at Eagle Drive and STH 60 was made by Pres. Heckendorf and seconded by Tr. Engelhardt.

Vote: 7 ayes, 0 nays. Motion carried.

12. West Bend School District

Per Tr. Wells, no new updates to report.

13. Washington County Board Report

Pres. Heckendorf provided a summary of Washington County Supervisor Schwab's monthly report, outlining proposed resolutions and ordinances currently being debated.

14. Greater Jackson Business Alliance

Tr. Matter reported. There was good attendance for the last meeting where Chief Vossekuil and a representative of Chief Swaney presented. The presentation was well regarded. The next meeting will be a social event in November.

15. Mid-Moraine Municipal Association Report

Tr. Olson reported. September 13, 2023 meeting, the topic was determining topics for the next two-year cycle to allow for agenda setting. September 27, 2023 was a dinner meeting where Monarch Library presented. The next meeting will be a general meeting in January.

16. Notice of Claim - Phillip Belt - W208N16777 S Center Street

Mr. Belt was not present to comment on this matter.

17. Closed Session Pursuant to Wis. Stats. §19.85(1)(c), "considering employment, promotion, compensation, or performance evaluation data of any public employee over which the Village has jurisdiction or exercises responsibility," Wis. Stats. §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 requires a closed session," and Wis. Stats. §19.85(1)(g), "conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved."

The closed session is for the following purposes:

- a. Notice of Claim - Phillip Belt - W208N16777 S Center Street; and
- b. To Discuss the Village Strategic Approach Related to the Sale and Development of Properties Publically Owned in TID 7; and
- c. 2023 Village Administrator Performance Review.

The motion to proceed into closed session pursuant to Wis. Stats. §19.85(1)(c), §19.85(1)(e), and §19.85(1)(g) to discuss the following matters:

- a. Notice of Claim of Phillip Belt, W208N16777 S Center Street; and
- b. Discuss the Village strategic approach related to the sale and development of properties publically owned in TID #7; and
- c. The 2023 Village Administrator performance review.

The motion was made by Pres. Heckendorf and seconded by Tr. Emmrich.

Roll vote taken:

Pres. Heckendorf - Aye

Tr. Emmrich - Aye

Tr. Engelhardt - Aye

Tr. Kruepke - Aye

Tr. Matter - Aye

Tr. Olson - Aye

Tr. Wells - Aye

Vote: 7 ayes, 0 nays. Motion carried. The Village Board proceeded into closed session at 8:55PM.

Those present in the closed session were the entirety of the Village Board and Admin. Keller. Cheif Vossekul was present for item a.

18. Reconvene into Open Session with Possible Action Related to the Subject of the Preceding Closed Session

The motion to reconvene into open session was made by Pres. Heckendorf and seconded by Tr. Emmrich.

Vote: 7 ayes, 0 nays. Motion carried.

The meeting reconvened into open session at 10:01 PM.

A motion to disallow the insurance claim of Phillip Belt was made by Pres. Heckendorf and seconded by Tr. Kruepke.

Vote: 7 ayes, 0 nays. Motion carried.

19. Adjourn

Motion to adjourn the meeting was made by Tr. Kruepke and seconded by Tr. Emmrich.

Vote: 7 ayes, 0 nays. Motion carried. The meeting was adjourned at 10:04 PM.

Respectfully Submitted,
Anastasia Gonstead - Village Clerk