

VILLAGE BOARD MINUTES
MONDAY, JANUARY 22, 2018
7:00 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE

Roll Call

Pledge of Allegiance – Boy Scouts

Present: Trustees Meyers, Compton, Landwehr, Swenson, Wallschlager, President Pfannerstill

Excused: Trustee Stevens,

Others: Administrator Cox, DPW Director Einweck, Police Chief Bagin, Clerk Igl, Finance Director Bailey, Fire Chief Dean, Captain Kelsey, Tim Hallquist, Jeff Anson, Diane Vernon, Donna Dorau, Operations Supervisor Gerszewski, Juan Montano, Paul Decker, Craig Eisenhut, Scott and Heidi Nugent, Tom Brass

Public Comments: (Please be advised the Village Board will receive information from the public for a three minute time period per person, with time extensions per the Village President's discretion. Be it further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.) None

1. Motion (Meyers/Swenson) to approve Village Board minutes of January 8, 2018. Carried (6-0).
2. Motion (Landwehr/Swenson) to approve vouchers for payment in the amount of \$202,427.09. Carried (5-0). Meyers abstained.
3. Consideration of actions related to Licenses and Permits
 - a. Actions related to the consideration of a complaint against JC Bogar's, LLC formerly located at 352 Cottonwood Avenue (Juan Montano, President/Agent)
 - i. PUBLIC HEARING

President Pfannerstill opened the Public Hearing at 7:03 p.m. Mr. Montano stated that he had been looking for a new location in Hartland to open an establishment but couldn't find one. He stated that he had enjoyed doing business in Hartland for eight years. The Public Hearing was closed at 7:10 p.m.
 - ii. Consideration of action related to revocation of Class "B"/"Class B" Retailer's Licenses issued to JC Bogar's LLC.

Motion (Swenson/Wallschlager) that the complaint is sustained and the license is therefore revoked. Carried (6-0)/
 - b. Consideration of an application for a Restricted Species permit to allow three dogs at one residence.

Eric Rahmel, 780 E. Imperial Drive, was present to discuss his Restricted Species permit

application which was held from the last Village Board meeting as there were reported incidents with one of the dogs. He stated that he has resided at this address for 19 years having multiple dogs and that an invisible fence is installed in the yard. He stated that the dog slid through the invisible fence on snow in the driveway. He further stated that he did know that dog licenses were required.

Chief Bagin stated that there was an incident that resulted in a women receiving a small puncture wound and that further, when an officer came to take the report, the same dog snapped at the officer but did not break through his clothing.

Mr. Rahmel stated that the dog in question is in training and has been at this location for four months but was unattended outside at the time of the incident.

Administrator Cox stated that when this type of incident occurs there is a process in place in which the Police Department addresses the behavior issue with the animal and owner. He stated that the Restricted Species permit is related to the facilities, space, etc. being appropriate for the number of animals.

Trustee Meyers raised concerns that the owner had not had the animals licensed as required. Chief Bagin stated that proof of current rabies vaccination was provided to the PD by the owner and that licenses were secured promptly after the incident.

Motion (Meyers/Landwehr) to approve the Restricted Species permit subject to the animals being licensed. Carried (6-0).

- c. Motion (Landwehr/Swenson) to approve an application for Operator's (Bartender) Licenses with a term ending June 30, 2018. Carried (6-0).
 - d. Motion (Compton/Meyers) to approve an application for a change of agent for the Class "A" Beer/Class "A" Liquor license for Walgreen Co., dba Walgreens #09365, 423 Merton Ave., Gina Podhola, Agent. Carried (6-0).
4. Items related to Bill for an Ordinance No. 11/27/17-01 "An Ordinance to Amend Chapter 46 of the Village of Hartland Municipal Code Pertaining to Zoning Ordinance"
- a. CONTINUATION OF PUBLIC HEARING
President Pfannerstill opened the Public Hearing at 7:28 p.m. No comments were heard. The Public Hearing was closed at 7:29 p.m.
 - b. Motion (Landwehr/Swenson) to approve adoption of Bill for an Ordinance No. 11/27/17-01 "An Ordinance to Amend Chapter 46 of the Village of Hartland Municipal Code Pertaining to Zoning Ordinance". Carried (6-0).

Items referred from the January 15, 2018 Plan Commission meeting

5. Consideration of a motion to approve site, building and landscape plans for Austin Plumbing, 530 Norton Drive.

Motion (Meyers/Swenson) to approve site, building and landscape plans for Austin Plumbing subject to the applicant meeting the requirements outlined in the Village Engineer's letter and staff approval of an amended landscape plan for the site. Carried (6-0).

6. Consideration of a motion to approve design for water tower painting.

DPW Director Einweck stated that design options for water tower painting had been provided for consideration. He stated that the option with the bottom painted in a darker color would make dirt and discoloration below the bulb less noticeable. He stated that the tower would still be cleaned as regular maintenance. After a show of hands, motion (Wallschlager/Pfannerstill) to approve the design with the bulb and base painted green. Carried (6-0).

Other Items for Consideration

7. Items related to public improvements in the Four Winds West Subdivision.
 - a. Consideration of a motion to approve a reduction in the Letter of Credit for the Four Winds West subdivision in the amount of \$306,881.03.

Trustee Wallschlager asked whether Village staff had conducted an inspection. DPW Director Einweck stated that he had inspected the roads and the operations supervisor inspected the curbs and sidewalks. He stated that \$40,000 will be held to resolve an outstanding issue with the pond.

Motion (Swenson/Landwehr) to approve a reduction in the Letter of Credit for the Four Winds West subdivision in the amount of \$306,881.03. Carried (6-0).

- b. Motion (Swenson/Landwehr) to adopt Resolution No. 01/22/2018-01 "A Resolution accepting public improvements in the Four Winds West Subdivision." Carried (6-0).
8. Consideration of a motion to approve a WE Energies Electric Distribution Easement at the Coventry Water Tower Site.

DPW Director Einweck stated that in reviewing a permit request to replace a cable in Hartridge, it was found that some areas did not have recorded easements. Motion (Meyers/Swenson) to approve a WE Energies Electric Distribution Easement at the Coventry Water Tower Site. Carried (6-0).

9. Consideration of a motion to approve Change Order No. 2 (Final) to the 2017 Paving Program contract with Payne and Dolan, Inc., to adjust for final quantities with a decrease in the amount of \$108,292 for a revised contract amount of \$940,313.

DPW Director Einweck stated that the reasons for the decrease include contingency items in the contract that were not used, estimated utility repairs that were not needed and the estimated base repair quantities were lower than anticipated. Motion (Meyers/Swenson) to approve

Change Order No. 2 (Final) to the 2017 Paving Program contract with Payne and Dolan, Inc., to adjust for final quantities with a decrease in the amount of \$108,292 for a revised contract amount of \$940,313. Carried (6-0).

10. Consideration of a motion to approve the Job Description for the position of Public Works Seasonal Crew Leader.

Administrator Cox stated that the creation of this position is one item that was discussed as a part of the DPW reorganization. The description includes a provision that allows this position to act as a supervisor in the absence of the normal supervisor. This will also provide an opportunity for staff to learn to supervise. Motion (Swenson/Compton) to approve the Job Description for the position of Public Works Seasonal Crew Leader. Carried (6-0).

11. Update on development north of CTH K and west of CTH KE as proposed by Neumann Companies.

Jeff Anson, 335 Cottonwood Ave., commented that he has heard many people talking about this potential development that do not want the project to move forward and stated that he feels that the Board should listen to the residents.

Administrator Cox stated that the location and timing of construction of a rerouted Hwy KE has been discussed over the last few decades and in particular, over the last two years. Most recently, Neumann Companies has requested an amendment to the Comprehensive Plan to facilitate the construction of a proposed development.

County Board Chairman Paul Decker stated that the reroute of Hwy KE has been before the County board for a period of time. He stated that there are several challenges to that location. He stated that the County operates on a five year capital plan and that to get a project on the plan requires a significant amount of work. Mr. Decker stated that the rerouting of Hwy KE would be approximately a \$5 million dollar project and would take a minimum of six years to get on the plan as the county has other priorities. He further stated that until the county has a reason to put money into a project, they don't. He stated that currently there is not enough traffic flow to force the reroute or warrant that cost.

Trustee Wallschlager stated that she had taken photos of elevations of the property and stated that in her opinion this is the worst location to put a condominium development as the area is already saturated.

It was stated that the Village is not funding the reroute but continues to work with the developer. Administrator Cox stated that the Plan Commission will review the request to the Comp Plan at their Feb. 19 meeting. The amendment request will come to the Village Board in February and a Public Hearing is anticipated in March.

12. Discussion and consideration of a policy regarding agenda preparation.

President Pfannerstill stated that an article in the League magazine regarding creation of an agenda preparation policy that he had discussed with Administrator Cox. The policy includes that the body is in control of its own agenda, no individual can block or remove an item from an agenda and assembly of the agenda is done by staff. Items for the agenda are to be submitted to the Administration no later than the end of business on the Thursday before the meeting. Members of the public do not have to be on an agenda to comments, however, action will not be taken unless the item is listed on the agenda.

Administrator Cox stated that it is intended that the provision of the policy be applicable to all Boards, Committees, Commission or other bodies created by the Village Board.

Motion (Meyers/Wallschlager) to adopt the Agenda Preparation Policy. Carried (6-0).

13. Discussion regarding the designation of an Official Newspaper and Village publicity.

President Pfannerstill stated that he had asked that the Board discuss designating an official newspaper in an effort to get news and information on current events out to residents. Donna Dorau commented that the Chamber has also been discussing the issue of advertising events. Tom Brass stated that he has seen a drastic reduction in community news in Lake Country Now and feels that the Waukesha Freeman has a greater interest in providing local coverage.

Motion (Meyers/Wallschlager) to designate the Waukesha Freeman as the Village's official newspaper. Carried (6-0).

14. Announcements: The following individuals will be given an opportunity to make announcements at the meeting in regards to (1) activities taken since the previous meeting on behalf of the community, (2) future municipal activities, and (3) communications received from citizens. It is not contemplated that these matters will be discussed or acted upon. The following individuals may provide announcements: Village President or individual Village Board members or Village Administrator or other Village Staff members.

Chief Bagin announced that his retirement celebration is planned for February 28.

15. Motion (Compton/Swenson) to adjourn at 8:29 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk