

**VILLAGE OF HARTLAND
VILLAGE BOARD MINUTES
MONDAY, MARCH 24, 2014
7:00 PM**

BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

Present: Trustees Stevens, Meyers, Compton, Swenson, Wallschlager and President Lamerand. Excused: Trustee Landwehr.

Others Present: Administrator Cox, Finance Director, Clerk Casper, DPW Director Einweck, Police Chief Rosch and Fire Chief Wilde.

Roll Call

Pledge of Allegiance - Trustee Wallschlager

Public Comments: (Please be advised the Village Board will receive information from the public for a three minute time period, with time extensions per the Village President's discretion, per person. 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/Stevens) to approve the Village Board minutes of March 10, 2014. Carried (5-0-1). Wallschlager abstained.
2. Motion (Swenson/Compton) to approve the vouchers for payment in the amount of \$220,936.95. Carried (5-0-1). Meyers abstained.
3. Consideration of a motion to approve the Licenses and Permits

BARTENDER (OPERATOR) LICENSES - expires June 30, 2014

Dara Borchardt
Place of Business: Walgreens

Brian Thomas
Place of Business: Mobil Cardinal

The Police Chief recommends approval. The Village Clerk recommends approval. The applicants have successfully completed the Responsible Beverage Servers Course.

Motion (Meyers/Swenson) to approve the Operator Licenses as presented. Carried (6-0)

ITEMS RELATED TO THE ANNUAL STREET DANCE

Street Use Permit

Applicant: Hartland Chamber of Commerce
Date: Saturday, July 19, 2014
Time of closure: 3:00 pm - 1:00 am (July 20)
Road Closure: Church St. and E. Capitol Drive and Goodwin Avenue at 3 pm

E. Capitol Drive at North Avenue beginning at 5 pm
Tear down begins at approximately 11:15 pm with opening of all roads
by 1:00 am

See attached letter from the Chamber of Commerce regarding the event. The Police Chief recommends approval and will staff appropriately. The Fire Chief recommends approval. The Village Clerk recommends approval. The Certificate of Insurance for this event has been received.

Motion (Meyers/Stevens) to approve the Street Use Permit for the Hartland Chamber of Commerce Annual Street Dance. Carried (5-0-1). Wallschlager abstained.

Temporary Class B Beer/Wine Permit

The Hartland Chamber of Commerce will sell beer and wine on Saturday, July 19, 2014 with stand located near the 151-155 E. Capitol Drive address. Time of Sale: 5 pm - 11 pm.

Motion (Meyers/Swenson) to approve the Temporary Class B Beer/Wine Permit for the Hartland Chamber of Commerce to sell beer and wine on Saturday, July 19, 2014. Carried (5-0-1). Wallschlager abstained.

4. 1st reading of Bill for an Ordinance No. 03/24/2014-01 "An Ordinance to Amend Section 46-955(a) of the Hartland Municipal Code regarding lighting and **Motion** to set a Public Hearing for the April 28, 2014 Village Board meeting - (recommended for approval at the March 17, 2014 Plan Commission meeting)

Motion (Meyers/Compton) to set a Public Hearing for the April 28, 2014 Village Board meeting - (recommended for approval at the March 17, 2014 Plan Commission meeting)
Bill for an Ordinance No. 03/24/2014-01 "An Ordinance to Amend Section 46-955(a) of the Hartland Municipal Code regarding lighting. Carried (6-0).

5. Consideration of a motion to authorize Staff to begin the process of Eminent Domain in regards to acquiring an easement for the installation of water and sewer mains across an Outlot located in the Bristlecone Pines Subdivision.

Trustee Wallschlager recused herself from discussing this item.

Administrator Cox stated that as part of the design process for the proposed Windrush and Homestead subdivisions and other contemplated subdivisions in the area northeast of the Village, a significant effort to determine the best utility plan and routing has been undertaken. It was determined that easements would be sought from the Bristlecone Pines Homeowners Association for permission to cross their property with water and sanitary sewer facilities. The proposed location of easements is along CTH K and between CTH KE and East Bristlecone Drive near the Arlene Drive entrance to Bristlecone.

The Bristlecone Pines Homeowners Association Board does not seem interested in moving forward on the easement request. In fact, it appears that at least one member of the Association Board is completely opposed to granting the requested north easement along CTH K. To add to the difficulty, the President of the HOA is not confident that the HOA could even get the required quorum of members to a meeting to discuss and vote on the topic.

As engineering continued, it has been determined that the northerly facilities along CTH K and adjacent to the Water Tower can be rerouted in a way that does not require any easement from Bristlecone Pines. This water transmission main would be installed on the north side of CTH K. An easement for that installation would be sought from the owner on that side, who would actually benefit from the water main route. However, it has been determined that the alternative utility route for both sewer and water south along CTH KE would increase the initial installation cost by about \$100,000 or more. Additionally, while the developer would bear the installation cost, the Village would forever have the maintenance and replacement costs associated with the longer pipe and related manholes and other facilities.

The Village Board is asked to discuss and consider the possibility of a condemnation process to take an easement from the Association. Using the law to take an easement would not only ensure the ability to get an easement but also address the HOA's legal matter of potentially not even being able to get authority to grant the easement even if it wanted to. Village Attorney Hector de la Mora stands ready to assist the Village in this process if that is the desire.

The Village Board is asked to authorize the use of Eminent Domain in parallel with other efforts to gain an easement from the Bristlecone Pines Homeowners Association.

Pat Corragio, President of Bristlecone Pines HOA, stated that he is willing to work with the Village, however it has been very difficult getting a quorum at HOA meetings and a quorum is required for land granting matters. There are 211 property owners, but only 17 responded recently for the annual meeting. This is a legal issue and he doesn't know if the board can authorize or grant the easement. There could be a problem moving forward without a quorum.

The other members of the Home Owners Association Board have concerns regarding flooding in the south half of the subdivision, which is the low-lying part of the neighborhood and storm water management issues near where the easement would be.

A representative from the Legends Golf Club was in attendance but did not address the Board.

President Lamerand stated that in order to not delay the easement process, it appears like we should start the process of eminent domain at this time.

Motion (Swenson/Stevens) to authorize Staff to begin the process of Eminent Domain in regards to acquiring an easement for the installation of water and sewer mains across

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an Outlot located in the Bristlecone Pines Subdivision. Carried (5-0-1). Wallschlager abstained.

6. Motion (Meyers/Stevens) to approve a refund to Arrowhead High School for erroneous water and sewer bill payments. Carried (6-0).
7. Motion (Compton/Wallschlager) to adopt Resolution No. 03/24/2014-01 "A Resolution for Runoff Management Grants" from the Wisconsin Department of Natural Resources. Carried (6-0).
8. Consideration of a motion to approve the revised water main specifications

DPW Director Einweck gave an overview of the revisions.

For many years ductile iron and copper pipe were used for installation of water mains. Recently we changed to materials that were more resistant to corrosion. It is recommended to bury the main seven feet below grade instead of 6 feet. A collar is used around the pipe for hookup to the main. PVC pipe is durable, resistant to corrosion, easier to install and less expensive. The HDPE pipe would be for long range use. Not only will this be used for new subdivisions, but it will eventually be worked into the Village's cycle for water main replacement.

Motion (Compton/Wallschlager) to approve the revised water main specifications. Carried (6-0).

9. Motion (Meyers/Swenson) to approve the Stormwater Management Program DNR Annual Report. Carried (6-0).
10. Consideration of a motion regarding a proposal from Unison regarding cell tower agreements

Village Administrator Cox spoke in regards to an inquiry from Unison Site Management which is a company that proposes to purchase the remaining lease term and the sole right to future leasing for the Coventry Water Tower. They are in the business of consolidated ownership of cellular antenna sites throughout the United States. Its primary business is acquiring existing leases for single, large up-front payments and Unison then manages and markets the site into the future. Lease payments for future additions to the site are shared on a 50/50 basis with the site owner. Any loss for an existing tenant that leaves the site is born solely by Unison once the initial payment to the site owner is made.

Administrator Cox's memo detailed the financial numbers involved in this proposal and the staff analysis of what this proposal would mean to the Village monetarily.

Motion (Compton/Meyers) to **reject** the proposal from Unison regarding cell tower agreements. Carried (5-0-1). Wallschlager abstained.

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11. Proclamation regarding Connie Casper's 30 years of service to the Village in honor of her retirement

President Lamerand read the Proclamation in Honor of Connie Casper's 30 Years of Service and thanking her upon her retirement.

12. **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.

President Lamerand invited the community to an Open House on Friday, April 4, 2014 from 2:00 – 4:00 PM to celebrate Clerk Casper's retirement. It will be held in the Community Room at 210 Cottonwood Avenue, Hartland, WI

Trustee Stevens complimented the DPW on their quick response to his neighbor's frozen water main. The neighbor spoke very complimentary about the handling of the situation on a Sunday afternoon.

President Lamerand also complimented the DPW on their plowing and their handling of the numerous watermain freezes this winter.

Village Clerk Connie Casper reminded everyone about the April 1, 2014 election for municipal offices, school boards and county government offices. All voting will take place in the Community Center from 7 AM – 8 PM.

13. Adjourn

Motion (Stevens/Swenson) to adjourn. Carried (6-0). Meeting adjourned at 7:35 PM.

Respectfully submitted by
Recording Secretary

Lynn Meyer
Deputy Clerk