

VILLAGE OF BONDUEL
VILLAGE BOARD MEETING
SEPTEMBER 14, 2016

Following the Pledge of Allegiance and moment of silence, President Sharon Wussow called the meeting to order at 7:00 p.m.

Wussow read a statement regarding the posting of the meeting.

Present: Sharon Wussow, Shawn Thorne, Robert Luepke, Joan Kamps, Mary Barney, Dick Sibert and Luka Zischka.

Absent: None.

AGENDA: Motion by Thorne, second by Zischka, to approve the agenda and deviate as necessary. Motion carried.

MINUTES: Thorne noted two corrections: 1) Under H1, correct "Thorne confirmed that building inspector duties have been removed since they now fall under the Public Safety Committee" to read "Thorne confirmed that building inspector duties fall under the Public Safety Committee" and 2) Correct "...committee went through job descriptions from other committees" to "...committee went through job descriptions from other communities." Motion by Zischka, second by Kamps, to approve the minutes of the August 31, 2016, meeting with stated corrections. Motion carried.

ACKNOWLEDGEMENT OF CITIZENS: Steve Berndt, Director of Municipal Operations; Willa Rusch, Clerk-Treasurer; Police Chief Todd Chaney; Fire Chief Robbie Woldt; Police Officer Cathy Frey; EMS President Rodney Hoppe; Bonduel Boy Scout Troop; Jeff and Becky Dendler; Wayne and Connie Ort.

COMMUNICATION: Thank you from Steve Bartz on behalf of the Justin Jeske Kickball Tournament; thank you note from Shawano Pathways for use of Cedar Park food stand for their Bike The Barn Quilts event on Saturday September 24, 2016; invitation and agenda for DNR Remediation and Redevelopment Program seminar on November 2, 2016.

L4: Recognition of Boy Scout Troop. Wussow turned the meeting over to Chief Chaney. Chaney gave an account of the accident on State Highway 29 which occurred July 23, 2016, involving vehicles owned by families of a Boy Scout Troop from Racine. The Local Troop 24 Boy Scout Troop came to the scene to help with debris and collection of equipment, and they also stayed at Kwik Trip with the Scouts who had not been injured and were waiting for their parents and family to come from Racine. The Scouts were comforting and compassionate to the boys who were traumatized by the accident. Chaney also expressed thanks to Kwik Trip for providing space, privacy and refreshments to the boys. Chaney then read the Citizenship Award being presented to the Troop: "The Bonduel Emergency Services Department and the Bonduel Village Board thankfully recognize the efforts of Boy Scout Troop #24 for outstanding acts of citizenship, compassion and sense of community in that, on July 23, 2016, a group of Scouts and leaders from our community responded to a crash scene on Highway 29 involving a Boy Scout Troop from Racine Wi. The members of our local Scout Troop assisted in the care and comfort of these accident victims, as well as assisting emergency services with cleanup efforts and property collection. The response of these Scouts was voluntary and in keeping with the highest standards of the Boy Scouts of America. The Bonduel Village Board and the members of the Bonduel Emergency Services Department deeply appreciate and commend these Scouts and leaders for their selfless acts of kindness. Dated this 14th day of September, 2016, at Bonduel Wisconsin, and signed by Village President Sharon Wussow." Senior Patrol Leader Jake Lecheler came forward to accept the Citizenship Award on behalf of Troop 24. Chaney then closed by once again thanking the Scouts, their leaders and their families, stating we appreciate the Scout Troop and we appreciate their sense of community. Wussow also thanked the Scouts on behalf of the Village Board, adding that the Board is very proud of what they have done.

K10: Variance request from Jeff and Becky Dendler. Dendler addressed the Board to explain that he had applied for a zoning variance but had first talked to Berndt about getting a permit for new windows and a 10'x18' shed. He was not aware he would need something else for the shed. About a week later he got a

phone call from Berndt stating he needed to provide a hardship and write a letter to appeal for a zoning variance. He provided a plot plan but distance from buildings to property lines was not included. The only thing he was told to do was write the letter requesting variance. He was not told about the hardship and did not know what that was. Dendler stated Zoning Board of Appeals (ZBA) member Marvin Klosterman came to his house on Labor Day and had the paperwork with him. Klosterman stated the ZBA usually wants numbers on plot plan but didn't tell him to fix it or write anything down. They went through the lot and Klosterman asked why Dendler needed this size of shed. Dendler replied that they need the space. Dendler showed Klosterman exactly where the lot line was. The old shed was much closer to lot line, so he moved this shed over about three feet so there wouldn't be an issue. Klosterman told him everything would be good. From Berndt and from Klosterman, Dendler stated he was led to believe this would be like a cake walk. Why didn't someone tell him to fix the map? Why didn't Board members come out to his lot and talk to him? Nobody told him he had to meet three requirements. He lost \$225. It's not right that no one told him of these requirements prior to the ZBA meeting - Klosterman had told him everything looks great. Dendler told Klosterman he couldn't make the meeting because he works and felt the Board could have adjourned the meeting to look into it or call him to get more information. He felt someone should have told him to draw the map better. He was only told to write the size of lot and size of shed. Nothing about hardship.

Berndt explained how he reviewed the building permit application and informed Dendler the shed was larger than the zoning ordinance allowed and directed him to write a letter requesting a variance with the ZBA. That is the proper procedure. Dendler contended Berndt should have informed him of the requirement to prove a hardship. Berndt explained it was not part of his job; that is for the ZBA. Wussow stated she called Claire Silverman, Legal Counsel for the Wisconsin League of Municipalities, to learn what the Board could do. Silverman had informed her there was nothing the Board could do; the Dendlers must appeal the ZBA decision in Circuit Court. Dendler was not willing to get an attorney for an additional 30 square feet, so they are done; at this point he just doesn't want the next person in this situation to not get the information they need. He was shocked that other ZBA members did not come to his house and that the one person who did voted no after saying everything was OK.

Thorne asked what the process is for getting a building permit. Berndt responded he reviews building permit to see if it meets the zoning requirements; if it doesn't, he informs the applicant that what they are requesting is not in compliance with the zoning ordinance and that if they want to continue they have to request a variance from the Zoning Board of Appeals. Once it goes to the Zoning Board of Appeals, it is out of his hands. They make the final judgment. Thorne asked whose responsibility it is for the applicant to get information about why he doesn't meet the building code. Berndt stated he informs the applicant as to why he doesn't meet the code. Barney asked him whose responsibility it is to be at Zoning Board of Appeals. Wussow stated ZBA members, Berndt as ex-officio member and Clerk Rusch as secretary. Dendler asked if Berndt has to be there to make the meeting work. Thorne stated Berndt's absence did not make it an illegal meeting. Berndt stated his purpose at the meeting is to answer questions about the zoning. Zischka asked Berndt if he would have been able to provide any valuable information to the meeting. Berndt stated he did not think so because it is very clear what the zoning code says relative to what a storage building must be, and once you get beyond that to discussing hardship, that's not his area of expertise. Zischka asked if Berndt explained the hardship need to Dendler? Berndt stated he did not. Wussow learned from discussions with ZBA members that storage sheds like this had been approved in the past and that this is the type of information Berndt would have given to the Board members.

Wussow stated she would call Village Attorney Tim Schmid to see if there was a way to circumvent this. Dendler stated if the Board could help him he would appreciate it because at this point they are out the money and, if the contractors are unable to build him a new shed before winter, they are out a shed. Dendler thanked the Board and he and his wife left the meeting.

Thorne asked Berndt if there was a reason he didn't provide Dendler information on hardship. Berndt stated he doesn't deal with that; he deals with the zoning issues and the building permit which, if it is denied, goes to the ZBA. [Barney left at 7:45 p.m.] Thorne felt it would be advantageous to call other communities to see

how they handle these requests. He was hard pressed to believe that that information would not come from Berndt in his position as zoning administrator and building inspector. [Barney returned at 7:50 p.m.]

K4. Operator's license applications. Wayne and Connie Ort addressed the Board on behalf of Cory Clark whose application was denied by Chief Chaney and the Public Safety Committee because of an accident in May and two alcohol offenses earlier in his life. Ort stated Clark doesn't drink any more, he's reliable and honest. He has changed and is trying to get back into the community. Wussow stated Clark can enter into a written agreement with Chief Chaney for a conditional license. Chaney commented that Clark's offenses are mostly traffic, he has two OWI convictions and several Operating After Revocation convictions. By the current standard, that eliminates him. If Clark in fact is sober, Chaney would have no qualms writing an agreement in which Clark and the establishment both agree that there is to be no consumption of alcohol and no more driving offenses related to the OWI revocation. Clark needs to get an occupational license to prevent any more Operating After Revocation convictions; if there is another arrest the operator's license would be revoked with no chance for an appeal, and Clark could never get an operator's license in the Village again. Wussow asked if changes made by the Public Safety Committee to the background check criteria would have made a difference. Chaney stated no. Barney stated if Clark has a second OWI, he won't get his license back unless he clears it with the DOT. He needs to follow through with the OWI assessment to get license back. Chaney stated Clark needs to come to him with a concrete plan to get his license restored or accept that he is not allowed to drive and then not drive.

Zischka asked to take up all four operator's license applications at once: two are approved and another [Candice Ralph] is denied by Chaney. Wussow stated Ralph's application was approved at the Public Safety Committee meeting for conditional issuance. Motion by Zischka to approve operator's licenses for Shelby Dollevoet and Jamisen Jebavy and to approve Cory Clark and Candice Ralph conditionally as long as they meet standards and procedures set forth by Chaney in written agreement. Second by Thorne. Motion carried unanimously. The Orts left the meeting.

REPORTS:

Police Chief's report on file. Chaney stated they will be doing stepped-up enforcement in the school zone because of violations of the 15 mph speed limit. They will prepare a document that lets drivers know that this is a school zone, that the driver's information and vehicle information will be put into the computer, and that, if they are caught again speeding in a school zone, it will be an automatic citation. School zone violations are doubled and points are doubled. They are trying to create awareness about slowing down in school zones and about crosswalks. They are hoping to get funding to put LED signs by the main crosswalk by the high school. Parking at last night's cross country meet was a disaster. In the future the school will work with Chaney to pre-plan these events. Chaney also recommended having the EMS present for these events to handle heat exhaustion.

Fire Chief's report on file. Woldt added that all engines passed pump tests on September 7. Correct date for porky/pancake breakfast at the Sandbar Grille is October 15.

L6. New municipal building. At a fire chief's convention Woldt talked to a representative from Keller, Inc. about a needs assessment for a new municipal building. The individual had told Woldt that Keller would put a plan together for \$1,500. Their Needs Assessment, Preliminary Design and Budgeting Agreement is included in packet. Wussow distributed photos of municipal buildings designed by Keller. Zischka asked if we're looking at a building to house just the fire department. Wussow stated it would depend on results of needs assessment it may include Village hall, fire department and police department. [Zischka left at 8:10 p.m.] Kamps asked if the Board had already approved the \$1,500 a few months ago. Rusch read from minutes of August 10, 2016 meeting in which Woldt advised the Board of Keller's offer to do needs assessment for \$1,500; the issue was "postponed to next meeting to decide on survey." There was discussion on getting additional quotes for the needs assessment. [Zischka returned at 8:18 p.m.] Wussow checked the Purchasing Policy and didn't feel it was necessary to get a second quote for the assessment. After additional discussion, Berndt was directed to get two more quotes for needs assessments by the end of September.

EMS report on file. Hoppe stated EMS had 24 calls last month; he doesn't remember having that many calls since he's been here. Good news from State last week in that First Responders are allowed to draw up epinephrine. Instead of spend \$1,200 on epinephrine we can buy vials and syringes for \$20. Tried getting an EMR class together in Shawano, but got only six people between Bonduel, Wescott, Cecil, Belle Plaine and Pella; NWTC requires eight. Received a \$2,000 check from Town of Angelica for providing service in that area. That money, along with check from Dr. Patricia Stuff Fund received in February will be used to purchase seven new radios at approximately \$1,000 apiece. Submitted grant application for \$5,000 to Shawano Community Foundation. Will find out in December if we will receive it. If we do, four additional radios will be purchased so every member has a new radio. Hoppe also pointed out that ThedaStar helicopter will be here Founders Day and Shawano Ambulance will do car-seat check.

Administrative Committee met and minutes are in the Board packet. Clerk's report on file. Clerk Rusch summarized details regarding the error in past billing procedures for Hartland Fire Services. Rusch also presented the Treasurer's Report which included values recently received from the Department of Revenue: Net New Construction for 2016 was \$313,900; Levy Limit for 2016 is \$516,572; Total Equalized Value - \$76,509,400; TID Value - \$14,832,900. Comparison to 2015 values with percent increase was included in written report. Rusch also explained the importance of Net New Construction in calculating the allowable Levy Limit.

Municipal Operations Committee did not meet. Thorne asked Berndt if he had any comments on his report. Berndt gave highlights on items contained in the report, in particular the new leaf collection service. Included with the report was a copy of the letter which will be hung on residential doors announcing the service. After discussion on what pickup dates to include in the letter, Thorne recommend using Tuesday-Friday of each of the weeks listed. Jim Welcing is the only employee with a proper CDL license for that weight of machine. Chief Chaney talked to state trooper inspector and learned that a municipal operations employee within municipal limits may be an exception. He will check further to confirm.

Library Board is meeting Monday, September 19. Librarian's report on file. Zischka asked for update on County consolidation plans. Kamps will check with Allison.

Plan Commission did not meet.

Fire Commission minutes are on file. Correction was noted that "thermos imaging camera" should be corrected to "thermal imaging camera."

K1. Revised FLSA overtime regulations. Rusch explained new overtime regulations announced by the US Department of Labor which change the salary basis test required for exemption from overtime. The new rules, which must be implemented by December 1, would change Rusch's status to non-exempt and Chaney's to exempt. Motion by Zischka, second by Thorne, to postpone action until next meeting after the committees meet to determine wages. Motion carried unanimously.

K2 Employee Transition Plan. Document was drafted by Administrative Committee and amended by Municipal Operations and Public Safety Committees. Recommendation from Public Safety Committee was to change last sentence of the introductory paragraph to state "At the discretion of the Village Board, the Village may enter into a consultant agreement with the exiting employee to ensure continuity of services and assistance with completion of projects during the transition period" and then remove all the rest. Thorne stated initial plan was to have two options, the first of which is to have the exiting employee stay for a period of time to train the new employee, and the second option would be to enter into a consultant agreement. After brief discussion, Wussow asked if there was agreement that the statement "At the discretion of the Board..." was acceptable. Affirmative, but Thorne stated it should be a separate paragraph. Motion by Thorne, second by Zischka, approve the Employee Transition Plan in a way that incorporates both paragraphs as discussed here tonight and with changes to the second paragraph as presented by the Public Safety Committee. Motion carried unanimously.

K3. Social Media Policy. Approved by Administrative Committee. Zischka explained goal was to create a policy that protects the Village and ensure that we are safe and have a positive public image. Throughout the

policy certain aspects are all-encompassing so that as technology advances, the policy would not have to be continually updated. Motion by Thorne, second by Kamps, to approve Village of Bonduel Social Media Policy as presented. Motion carried unanimously.

K5. Temporary liquor license for Bonduel Chamber of Commerce. License is for the Bonduel Fall Colors Festival at the Village Park on October 1. Presented to Public Safety Committee and was passed for approval by the Board. Motion by Zischka, second by Kamps, to approve Temporary Class "B" Liquor License for the Bonduel Area Chamber of Commerce. Motion carried unanimously.

K6. Policy for Negative Quorums, Email and Open Meetings Law. Wussow spoke with Dan Hill of the UW Extension-Madison and he recommended setting up a training forum with other area communities. He would then come up and do a training session at no cost. Motion by Zischka, second by Kamps, to direct Wussow to contact other communities in the interest of holding training on negative quorums, email and open meetings law. Motion carried unanimously.

K8. Proposed refunding of the 1999 USDA-Rural Development loans. Berndt reported that the Village's Financial Advisor Jim Mann feels interest rates have dropped enough that the Village could consider refinancing the sewer loan. Materials provided by Mann highlight the savings that could be achieved with both a 20-year or 23-year loan. Motion by Kamps, second by Zischka, that we proceed with checking into proposed refunding of 1999 USDA-Rural Development loan. Berndt commented that Mann is looking for approval for the sale of the bonds and a decision on the term. Thorne asked about sewer funds being used to pay down the loan in the future. Berndt stated Mann felt the amount of funds we would have wasn't going to have enough of an impact, and we would still need to have the \$280,000 retainage to satisfy Rural Development. He felt it would be wiser to keep the sewer reserves in the utility for other purposes. The original option was to wait until there are 20 years left on the life of the loan, so in three years we would use the reserve to pay down the principal and refinance the balance over 20 years. What Mann is suggesting is taking the entire debit now and refinancing it down to 20 years because interest rates are currently low enough for that to work. Thorne felt since we will have almost \$800,000 in the reserve, we should pay some of that down now toward the new loan. Thorne asked if cost savings will have an effect on our rates. If neither one of them are going to affect our rate then you might as well go with the one that gives the most cost savings. Berndt replied that neither one would have a significant impact; the 23-year loan with an annual savings of about \$30,000 is not going to make a big difference in the rates. Thorne felt we should move forward but is not sure if what is proposed is what we should do. Berndt stated that Mann had indicated if the Board wasn't comfortable going ahead with the bond sale at this point, we could postpone to next month. Thorne directed Berndt to get in touch with Mann, and if a month will make a difference, it may warrant a Special Board meeting. Kamps rescinded her motion, Zischka seconded. Berndt will need to report back to Board to see if special Board meeting is required or if we can wait until October. Item postponed by consensus until we hear back from Berndt after he speaks with Mann.

K9. Resolution in support of #JustFixItWI Transpiration Funding. Wussow reported on information received at an Executives Conference regarding current insufficiency of State funding for local roads and the lack of a plan to ensure future transportation funding. The League of Wisconsin Municipalities, the Wisconsin Counties Association and the Wisconsin Town Association is sponsoring an every-county meeting September 29, 2016, at 7:00 p.m. The Shawano County meeting will be held at the Court House, Rooms A, B and C. Grant Bystol, Shawano County Highway Commissioner, will be the lead person and Barney will assist. They are asking Villages and townships to pass this Resolution. Rusch is to send copy of Resolution to State Legislators, Governor Walker and the League of Wisconsin Municipalities. Barney mentioned website where more information is available and also a petition that Board members can sign. There was discussion regarding language in the Resolution that indicates the Village is in favor of increasing user fees to fund Wisconsin's transportation system. Zischka felt the Resolution was basic economics and more of a statement than an action; it's basically a formal complaint to the state. Wussow introduced Resolution 2016-12 #JustFixItWI Transportation Funding as submitted. Second by Barney. Roll call vote was taken. Aye: Kamps, Wussow, Zischka, Barney. Nay: Thorne, Luepke, Sibert. Motion carried 4-3.

L1: Building at 101 E Green Bay Street. Receipt for the mailing of the Agreement has not been returned with Block's signature, nor has the mailing itself been returned as undeliverable by the Post Office. Rusch was directed to call the Wrightstown Post Office for status. Wussow has heard nothing. Thorne stated if this comes up at the next Board meeting, we should call Block during the meeting.

L2. Building at 505 W. Green Bay Street. Chaney reported clean-up crews continue to work on the property regularly on weekends.

L3. Resident's request to purchase vacant lot at 118 E. Cedar Street. Wussow read from Quit Claim Deed "if the Grantee ceases to use the property for municipal purposes and/or prior to any sale to a third party, Grantee must provide Grantor the opportunity to repurchase the property at same price as the Grantor now sells it to the Grantee." The County has first option to purchase at the price they paid, \$2,337. Zischka and Thorne questioned the interpretation of the word "now" in the phrase "at same price as the Grantor now sells it to the Grantee." Thorne will contact the title company for interpretation. Rusch was directed to call the County Clerk to see if they are willing to buy it and to ask for their interpretation of the phrase.

L5. Personnel evaluation process. Wussow distributed the proposed appraisal form. Zischka explained the evaluation form is based upon the actual job description, with duties that relate to each other being grouped together and a seven-point scale to quantify performance. He recommend adding comment lines under each area. Thorne explained the process of doing the evaluation: 1) Employee does a self-evaluation and turns it in to the committee. 2) Individual committee members evaluate the employee and bring their evaluation to the committee along with the self-evaluation. 3) The committee collectively creates one final evaluation that will be presented to the employee. Thorne added that the intention is to have a rating and substantiate that rating in the comments. There was considerable discussion as Chaney voiced his dissatisfaction with the process being proposed and questioned the merits of employee evaluations versus career counseling and employee improvement planning. Luepke make a motion to throw out the evaluation process completely. Second by Zischka. After the motion was explained, Zischka rescinded his second. Second by Sibert. Aye - Sibert and Luepke. Nay - Wussow, Thorne, Kamps, Barney, Zischka. Motion failed. Motion by Zischka, second by Kamps, to approve proposed evaluation form with addition of more lines for comments under each section. Aye - Thorne, Kamps, Barney Zischka. Nay - Wussow, Sibert, Luepke. Motion carried 4-3. Wussow will send the form to Rusch with job description items grouped so she can prepare forms for other committees.

APPROVAL OF PAYMENTS: No additions. Motion by Luepke, second by Zischka, to accept Treasurers Report and approve vouchers for payment. Motion carried unanimously.

K7. Closed session for the purpose of discussing employee performance. [Pursuant to Wis. State Statutes, Chapter 19, General Duties of Public Officials, subchapter V, 19.85 exemptions (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.] At the end of the closed session, the Board will reconvene to open session. Motion by Thorne, second by Zischka, to move to closed session for approximately five minutes for the purpose of discussing employee performance, to invite Rusch to take notes, to have a brief discussion with Berndt, and a brief discussion without him, and another brief discussion with him. Roll call vote was taken. Motion carried unanimously. Board went into closed session at 10:50 p.m.

Motion by Thorne, second by Zischka, to come out of close session. Roll call vote was taken. Motion carried unanimously. Board returned to open session at 11:31 p.m.

Motion by Luepke, second by Sibert, to adjourn. Meeting adjourned at 11:32 p.m.

Respectfully submitted,

Willa Rusch, Clerk