

VILLAGE OF BONDUEL  
VILLAGE BOARD MEETING  
WEDNESDAY, DECEMBER 5, 2018

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, Kevin Bartlett, Renell Bartlett, Tricia Quandt, Gina Shatters, Randy Wenstadt, and Barb Wickman.

AGENDA: Motion by Wickman, second by Wenstadt, to approve the agenda and deviate from the order as necessary. Motion carried unanimously.

MINUTES: Motion by Wickman, second by K. Bartlett, to approve the minutes of the November 14, 2018 meeting with the various noted corrections. Wickman asked that a final copy of the corrected minutes be sent to all board members. Maroszek asked if there were additional corrections to the minutes, how would that be handled since this motion is approving the minutes of the November meeting. Wickman stated that if that happened, Maroszek would need to check with the league on how to proceed. Motion carried unanimously.

ACKNOWLEDGEMENT OF CITIZENS AND OPEN FORUM: Residents Bob Wussow, Adam Wussow, and Justin Shatters; Police Chief, Tony Escalante; Director of Municipal Operations, Todd Lorbiecki; Fire Chief, Robbie Woldt; Rodney Hoppe, EMS; Clerk-Treasurer, Michelle Maroszek.

L1. Wussow/Shatters Matter: Shatters and Wussow recused themselves. Clerk Maroszek asked the board for a motion to nominate someone to run the meeting. Motion by K. Bartlett, second by Wenstadt, to nominate Wickman to run the meeting. Motion carried unanimously.

Wickman stated that before the board started with both agenda items that were put on the agenda, that she did contact the village attorney for assistance. This was something Wickman did not have experience with while she was the Clerk and felt the board needed to have guidance. Wickman did notify four other board members, before she proceeded in contacting the attorney, checking to see if they had any concerns. For the record, Wickman spoke with Attorney Vande Castle for 44 minutes.

To the extent that the situation was reviewed by law enforcement (Shawano and Bonduel), and no violation was committed and no action was taken and because the case is considered closed by law enforcement, law enforcement determined it to be inappropriate for them to mediate this situation as recommended by the board at the last meeting. Wickman commented that this was the statement in regards to agenda item L1. Wickman asked the Board along with Wussow and Shatters if they had any questions. The board agreed by consensus to move to agenda item number K1. - Agenda procedures and Village President duties.

K1. Agenda procedures and Village president duties. Wickman stated that she would be discussing the duties of the Village President and asked the board if they wanted to have Wussow and Shatters return to the table. The Board agreed to have Wussow and Shatters return to their roles at the table. Wickman turned the meeting back over to Wussow to facilitate the meeting. Wussow stated the agenda item K1 was asked to be put on the agenda by K. Bartlett and Wickman and that she was turning it over Wickman since she did not know what they wanted to discuss.

Wickman commented that this was a continuation of the conversation she had with the attorney in regards to the procedures and duties of the Village President. Attorney Bill Vande Castle told Wickman as they discussed how the board should proceed with the items presented to the board at the last meeting regarding the Village President and the duties of the Village President. If the board wishes for the attorney to put in writing the things that he discussed with Wickman, he is willing to do so. Wickman reminded the board that there would be a cost to having the attorney put it in writing. Wickman asked the board to allow her to read the information and then have the discussion and questions after she was finished.

The first item Wickman addressed was putting items on an agenda. Previously when Wickman has addressed the question of how to get items on an agenda, her answer was and still is, to talk to the President for the board agenda or the committee chair for Committees. This worked all the while she was clerk with very few issues. Direct communication is key.

However, if the President does not put the requested item on the agenda, then the procedure for placing an item on the agenda is to write up a request with how it is to appear on the agenda and then it must be signed by two trustees. K. Bartlett and Wickman did that for this meeting, they wrote down what they wanted on the agenda and both signed the request. It is then placed on the agenda.

The same procedure is required if you wish to bring back an item that was voted on in the previous meeting. Two board members from the majority vote ask in writing to reconsider

talking about the agenda item in question. If the majority of the board agrees, then it can be talked about again. If the vote fails, then the board cannot discuss the item.

Wickman addressed the duties of the Village president. Under the statute the Village President is given a wide latitude of power. In particular with the statement "For the good order of the Village". It is the duty of the VP to keep good order so long as no laws or ordinances are violated.

One example that Attorney Vanden Castle gave was, recently the Village President of Pulaski removed items from an agenda in order to control the length of the meeting. They had a consultant coming in that was going to take 1-1/2 hours. The Village President made the decision to move items to a future agenda in order to keep the meeting from going so long. There was no consulting with anyone, he/she had the right to do so.

With that said, the Village President can and should make decisions to preserve the good order of the village. Wickman encouraged members of this board to further educate themselves regarding these duties as well as the duties of the village trustees. Wickman also reminded the board members of the statement made in the video watched in May, that when you become a village trustee you are no longer an I and you become a we. She stated that if any of the board wished to have Attorney Vande Castle prepare a document with this information on the duties of the Village President, he would do so.

Wickman investigated the Village's procedures for misconduct by a public official or employee. The information presented is contained in Village Ordinance 2-83 – Ethical standards and regulation. Wickman read Ordinance 2-83(d), *Responsibility of public office*. Public officials and employees are agents of public purposes and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and carry out impartially the laws of the state and the village and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest shall be their prime concern.

In addition, Wickman presented Ordinance 2-83(i), *Jurisdiction and application*. The policy an administrative committee shall have the administrative jurisdiction over this code of ethics and shall be deemed the ethics committee for that purpose. (1) The committee may make recommendations with respect to amendments to this code of ethics. (2) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this section, the committee shall conduct an investigation of the facts of the complaint. If the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the committee shall conduct a public hearing in accordance with

the common law requirements of due process, including notice, an opportunity to be heard, an opportunity to cross examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee and shall refer the matter to the village board for final disposition. (3) In the event a member of the policy and administrative committee is allegedly involved in an ethics code violation, the village president, subject to the confirmation of the village board, shall appoint another trustee or temporarily replace the member of the committee who is under investigation. (J) *Sanctions*. A determination that an official's or employee's actions constitute improper conduct under the provisions of this section may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

Wickman added that in doing the research, she discovered that there is no penalty listed in the Village bond schedule for violation of ordinance 2-83. The state statute allows a penalty no less than \$100 and no greater than \$1000. Wickman recommended that this item be addressed at the next Administrative Committee meeting to recommended a change to the bond schedule.

Wickman reminded all board members that when they received their paperwork from the village as they were hired/appointed/or elected, they all signed that they received copy of this ordinance. As required by the ordinance, once a year it goes on the agenda for review. Wickman's recommendation to the board members is that if they wish to bring charges against an employee or public official for misconduct, they should make sure they follow the procedures set forth by this ordinance. These matters are a quasi-judicial matter which makes them similar to a court room situation. All participants are put under oath. The board or committee makes a determination based on the evidence presented. The accused has a right to a hearing and representation just like in a court room. Wickman also suggested that the board members listen to the LWMMI DVD regarding liability of public officials. This is a good source of information for the conduct of public officials.

Wickman turned the meeting back over to Wussow for further discussion and questions. Wussow asked if there was any discussion. After a long pause, K. Bartlett stated that Trustee Shatters' attack on President Wussow was an embarrassment and disgrace to the Village Board and Village residents. K. Bartlett felt that this was no different than the attacks a year and a half ago. K Bartlett stated that if anyone should resign it should be Shatters. Quandt stated that she agreed with everything K. Bartlett had said. Wenstadt agreed with K. Bartlett, that the way Shatters handled things was inappropriate. K. Bartlett commented that he agreed what

Wussow did was wrong, but the way it was handled by Shatters was not good. R. Bartlett added that the list of things that Wussow was accused of at the last meeting were not backed up by facts and agreed that if anyone should resign it is Shatters.

R. Bartlett asked if things had been resolved between Wussow and Shatters. Wussow admitted her actions were wrong but her main concern was for the safety of the Village. Shatters stated those were her opinions and that she still stands by her statements. The Board made their decision at the last board meeting and Shatters respects that. Shatters is willing to move forward from this point. Wussow stated that this is in the past. Board agreed to move on.

#### REPORTS:

Public Safety: Public Safety did not meet. Next meeting will be December 17 at 5:30 p.m.

Police Department Report: Report on file. Chief Escalante reported that the police department budget should be about \$7,000 under budget this year, Escalante would like to carry funds over into 2019 to purchase a new police radio. Police department is still having issues with staffing of part-time officers. Escalante reported that the Explorer broke down over the weekend, repairs will be approximately \$1,200.

K4. Police Department Radio. Chief Escalante would like to purchase a new police radio with funds left over from 2018 budget. Motion by Wickman, second by R. Bartlett, to approve the purchase the police radio from the 2018 funds to be transferred to fund 200 by resolution in January. Maroszek asked about final budget figures and how the purchasing works with money carried over. Motion carried unanimously.

Fire Department Report: Report on File. Department is still reviewing SCBA's to purchase. Jeremy Des Jarlais will be reinstated to the department in December. Woldt reminded the board that the department is still looking for new fire fighters.

EMS Report: Report on file. Hoppe state the EMS has six new members, one has passed their national registry. The EMS currently has sixteen on the roster. The EMS will be receiving a grant for DaVita Dialysis. Hoppe reported that there will be an Increase in expenses due to outfitting the new members.

Clerk Report: Report on file. Received check from Wisconsin Disaster fund for damage cost incurred from the flood in June 2017, money will be allocated to the funds affected by the flood. Village received the last quarter shared revenue which is reflected it the financials.

Maroszek and Woldt updated Village information for the 2% Fire Dues money on the new system.

Municipal Operations Committee: Continuing to meet with bat and ball club about signage in the parks. Working on reviewing the CIP Plan and water rates. Wenstadt has started working on the Community gardens for the coming spring.

Municipal Operations Department Report: Report on file. Lorbiecki is working with East Central Regional Planning to develop and update the village economic profile. The safety audit was conducted and the Village passed with no issues. Lorbiecki reported that there was a leak in the Water laterals, the leak was found and fixed, and have noticed a savings in water usage already.

G. Communications: Letter from the insurance carrier that the director, Dennis Tweedale, will be retiring. Wussow shared that she has been asked to be on the Strategic Planning Committee with the School District of Bonduel.

Zoning Board of Appeals: Lorbiecki reported that the board received an update from Duellman on her fence situation. The Zoning Board of Appeals set a deadline with Duellman for the first of June to have the property surveyed. Once the survey is complete, the variance findings for the after-the-fact fence would be filed with the Register of Deeds.

K3. Refund of Zoning Board of Appeal Fee. Lorbiecki is asking the board to refund the appeal fee that Duellman paid last year to apply toward the survey of her property. Funds would be refunded after proof that the survey was completed in spring of 2019. Motion by Wickman, second by R. Bartlett, to refund the fee of \$225 for the Zoning Board of Appeals meeting to Duellman at the completion of the survey. Motion carried unanimously.

Library Board: Shatters reported that the next meeting will be on December 20. The board will be looking at possible changes in hours for each library location. A question about the libraries website and Facebook pages was asked, Shatters reported that all libraries are using the same site and page for communications.

K2. Ordinance approving and adopting the Comprehensive Plan. Plan Commission is recommending that the updated Comprehensive Plan be adopted by the Village Board. Wussow read statement regarding the ordinance. K. Bartlett introduced Ordinance 2018-09 to approve and adopt the updated Comprehensive Plan. Second by Quandt. Roll call vote was taken. Motion carried unanimously.

K7. Plan Commission Committee Descriptions. Motion by Wickman, second by K. Bartlett, to approve the revision to the Village Plan Commission job description. Motion carried unanimously.

L2. Kobussen Bus for VHF antenna on water tower. Village Attorney, Vande Castle is working on confined space agreement contract with the Village and Baycom. Lorbiecki has found a subcontractor who could enter the confined space and has shared the information with Baycom.

K5. Operator's License. Motion by Wenstadt, second by Quandt, to approve the operator's licenses for Diane Nolan and Ann Stiles. Motion carried unanimously.

K6. Revocation of Operator's Licenses. Wussow explained that due to new information provided from the Village Attorney, this agenda item will need to be moved to the Public Safety Committee to discuss. The board agreed by consensus.

K8. Building Inspector. Wussow asked the board for permission to address the building permit issues directly with the Village Building Inspector. Motion by Wickman, second by R. Bartlett, to give Wussow authority to contact the Village Building Inspector directly to discuss village expectations and work performance. Motion carried unanimously.

L7. Closed Session. Motion by Wickman, second by K. Bartlett, to move to closed session for approximately five minutes to discuss 2019 Addendum A. Inviting Lorbiecki to be called in as needed. [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.] Roll call vote was taken. Motion carried unanimously. Board move to closed session at 8:53 p.m.

Motion by K. Bartlett, second by R. Bartlett, to return to open session. Roll call vote was taken. Motion carried unanimously. Board returned to open session at 9:23 p.m.

K9. Addendum A to the 2019 Village Budget. Motion by K. Bartlett, second by Quandt, to approve wage Addendum A to the 2019 budget. Motion carried unanimously.

K10. 2019 Village Budget. Motion by K. Bartlett to introduce Resolution 2018-17, 2019 Budget appropriating the necessary funds for the operation of the government and administration of

the Village of Bonduel with a total general government Tax Levy of \$591,015. Second by Wickman. Roll Call vote was taken. Motion carried unanimously.

K11. 2019 TID Budget. Motion by Wickman to introduce Resolution 2018-18 appropriating the necessary funds for the operation of the Tax Incremental Financing District for the Village of Bonduel with a Tax Levy of \$303,088. Second by R. Bartlett. Roll Call Vote was taken. Motion carried unanimously.

K12. Resolution for Shawano County Tax collection bond. Motion by R. Bartlett to introduce Resolution 2018-19 Requiring Payment of all State and County Taxes, Second by Wenstadt. Roll call vote was taken. Motion carried unanimously.

L3. Commissions and Committees. Wussow is still working on getting committee together for the TID Joint Review board.

L4. 101 E Green Bay Street. Received feedback from the attorney on the Building Inspectors report, email was included in board packets. Board discussed meeting with Mr. Block to see what his intentions are with the building. The board agreed by consensus, to send agenda item back to the Public Safety Committee for review.

L5. 129 N Cecil Street. Property is being sold at the first of the year. Board agreed to remove agenda item by consensus.

M. Approval of Payments. Motion by Wickman, second by R. Bartlett, to approve the accounts payable with Wussow to review and to include a copy of payments in the January packet. Motion carried unanimously.

N. Treasurer's Report. Maroszek explained the water tower summary sheet and additional costs. Motion by Wickman, second by R. Bartlett, to approve the treasurer's report. Motion carried unanimously.

O. Announcements:

Public Safety – Monday, December 17 at 5:30 p.m.

Plan Commission/Municipal Operations – Thursday, December 6 at 6:00 p.m.

L6. Closed Session. Motion by K. Bartlett, second by Wickman, to move to closed session for approximately five minutes for an update on Police Department staffing. Inviting Chief Escalante. [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.] Roll call vote taken. Motion carried unanimously. Board moved to closed session at 10:03 p.m.

Motion by K. Bartlett, second by Quandt, to return to open session. Roll call vote taken. Board returned to open session at 10:52 p.m.

Motion by K. Bartlett, second by Quandt to adjourn. Motion carried unanimously. Meeting adjourned at 10:53 p.m.

Respectfully submitted,  
Michelle Maroszek, Clerk