

**APPROVED MINUTES**  
**Village Board Meeting**  
**Tuesday, April 12, 2016, at 7:30 p.m.**  
**Jackson Village Hall**  
**N168W20733 Main Street**  
**Jackson, WI 53037**

**1. Call to Order and Roll Call.**

President Michael Schwab called the meeting to order at 7:30 p.m.

Members Present: Trustees Lippold, Mittelsteadt, Olson, Emmrich, Kruepke and Kufahl.

Staff present: Brian Kober, Jim Micech, Kelly Valentino, Jed Dolnick and Aaron Swaney.

**2. Pledge of Allegiance.**

President Schwab led the assembly in the Pledge of Allegiance.

**3. Any Village Citizen Comment on an Agenda Item.**

Mr. & Mrs. Kurtz of Wilshire Drive commented that they had questions in regards to the Wilshire Drive project and storm laterals and cost. Their questions were cleared up by Brian Kober.

Winter Hess of Twin Creeks questioned the knife ordinance. He also questioned where the occupants of the dorms for Living Word are from. (In anticipation of the attachment and becoming a Village Citizen, Pres. Schwab allowed Winter Hess to speak as a courtesy.)

**4. Public Hearing – Conditional Use – Piggly Wiggly – Alteration & Addition of Parking Lot – Eagle Drive.**

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing. The item was recommended by Plan Commission per staff comments to include a line of trees. This was also recommended by the Board of Public Works with a maintenance drainage plan. Motion by Tr. Emmrich, second by Tr. Olson to approve the Conditional Use – Piggly Wiggly – Alteration & Addition of Parking Lot – Eagle Dr., per staff comments.

Vote: 7 ayes, 0 nays. Motion carried.

**5. Consent Agenda:**

- Approval of Minutes for the Village Board Meeting of March 8, 2016.

- Licenses.

Operator Licenses:

Walgreens – David Grandinetti

Jackson Pub – Matthew Buck, Jake Tarantino

Village Mart – Haley Roos, Steven Schallock

Motion by Pres. Schwab, second by Tr. Mittelsteadt to approve the Consent Agenda items of the Village Board Minutes of March 8, 2016, and the Operator's Licenses.

Vote: 6 ayes, 0 nays, 1 abstain (Tr. Kruepke). Motion carried.

**6. Resolution #16-06 – A Resolution Honoring John Skodinski for his years of Service on the Fire Department.**

Pres. Schwab read the resolution. Motion by Tr. Lippold, second by Tr. Emmrich to approve Resolution #16-06 – A Resolution Honoring John Skodinski for his years of Service on the Fire Department.

Vote: 7 ayes, 0 nays. Motion carried.

**7. Ordinance #16-02 – An Ordinance Amending Section 7.01 A. of the Village of Jackson Municipal Code Regarding Offenses Endangering Public Safety.**

Pres. Schwab read the Ordinance. Chief Dolnick commented on the Ordinance that the legislature has changed to allow concealed knives. Switchblades are also legal. Motion by Tr. Olson, second by Tr. Kufahl to introduce Ordinance #16-02 - An Ordinance Amending Section 7.01 A. of the Village of Jackson Municipal Code Regarding Offenses Endangering Public Safety.

Vote: 7 ayes, 0 nays. Motion carried.

**8. Budget & Finance Committee.**

**Review of Bids for Wilshire Drive Reconstruction Project.**

The Board of Public Works and the Budget and Finance Committee recommended approval of the bid from Buteyn – Peterson for an amount not to exceed \$772,087.50. Motion by Tr. Olson, second by Tr. Kufahl to approve the bid from Buteyn – Peterson for an amount not to exceed \$772,087.50. Vote: 7 ayes, 0 nays. Motion carried.

**Resolution #16-05 – Special Assessment Area Wilshire Drive Reconstruction Project.**

The Board of Public Works and the Budget and Finance Committee recommended approval of Resolution #16-05 – Special Assessment Area Wilshire Drive Reconstruction Project. Motion by Tr. Olson, second by Tr. Mittelsteadt to approve Resolution #16-05 – Special Assessment Area Wilshire Drive Reconstruction Project.

Vote: 7 ayes, 0 nays. Motion carried.

**9. Jackson – Slinger Police Department Mutual Aid Agreement.**

Motion by Tr. Olson, second by Tr. Emmrich to approve the Jackson – Slinger Police Department Mutual Aid Agreement. Chief Dolnick reviewed his memo in regards to the agreement. The statute numbers from the original agreement have changed. The Chief recommends the agreement.

Vote: 7 ayes, 0 nays. Motion carried.

**10. Plan Commission.**

• **Extra Territorial – Living Word Lutheran High School – Construction of Dorms, Living Word Lane.**

The item was recommended by the Plan Commission. The sewer water connection was recommended by the Board of Public Works. Living Word has already started construction. They have an early start permit and have started early at their own risk. They have not yet connected. Tr. Olson commented that with what is going on with the Town that he would not approve it or at a minimum discuss in closed session.

Motion by Tr. Mittelsteadt, second by Tr. Kruepke to approve the connection and the exterritorial site plan. Tr. Lippold questioned if the item could be discussed in closed session or later in the agenda.

The dorms are open to any student. Pres. Schwab commented that he was disappointed that the normal order and prior approval was not sought out. The school has been a good neighbor and should not be penalized.

Vote: 5 ayes, 2 nays (Tr. Olson and Tr. Lippold). Motion carried.

- 11. Board of Public Works.**  
**2015 Jackson Water Utility Consumer Confidence report.**  
Brian Kober reviewed the report. Motion by Tr. Olson, second by Tr. Emmrich to approve the 2015 Jackson Water Utility Consumer Confidence Report.  
Vote: 7 ayes, 0 nays. Motion carried.
- 12. Police & Fire Commission.**  
**Filling of Fire Chief Position.**  
John Walther introduced Aaron Swaney as the new Fire Chief from Rhinelander. He was appointed by the Police and Fire Commission. His first day will be May 2, 2016. The Police and Fire Commission had twenty-one applicants for the position.
- 13. Departmental Reports.**  
Deanna reported that there were 2,654 ballots cast on election day which is 61% of the 4,370 registered voters. The election officials did an excellent job. There were 587 absentee ballots counted on election day.  
The Organizational meeting will be on April 19<sup>th</sup>, at 7 p.m.  
John Walther commented on the Redevelopment Grant. The County received a \$600,000 grant from the EPA to be shared among a five community coalition. The Village will use a portion of the funds for an upcoming redevelopment analysis.
- 14. Washington County Board Report.**  
Bob Hartwig offered that he will make reports from the Washington County Board.
- 15. West Bend School District Liaison Report.**  
No Report.
- 16. Greater Jackson Business Alliance Report.**  
Brian Heckendorf reported that the next General Membership Meeting is Wednesday, April 20<sup>th</sup>, at the Community Center. Elaine Motl will discuss tourism impacts. The Greater Jackson Business Alliance has approximately 52 members representing 47 or 48 businesses.
- 17. Mid-Moraine Legislative Committee/Mid-Moraine Municipal Report.**  
The next Mid-Moraine Legislative Meeting will be here at 7 p.m. tomorrow night. The main topic of discussion will be property maintenance inspections with regard to the new state law.
- 18. Citizens to Address the Village Board.**  
Tr. Lippold questioned Brian Kober on the salt. The village has 6,783 tons of salt left.  
Brian gave a report on the salt.  
Tr. Kufahl commented that the light by the tank flag is burnt out.  
Tr. Emmrich questioned the final top coat of asphalt on Stonewall.  
Pres. Schwab wished Scott Mittelsteadt well.
- 19. Jackson Professional Police Association Grievance.**  
John Walther commented that the Police Association has filed a grievance and Mr. Schumitsch is here representing the Jackson Police Association. Mr. Schumitsch gave a brief explanation of the grievance to the board. He explained that the grievance involves a court appearance for two officers. In February 2016, two officers received notice to appear in court for a jury trial, circuit court held at the courthouse in West Bend. One week prior, someone from the District Attorney's office called and put the officers on "stand by" or "on call". The current WPPA contract does not have language for "stand by" or "on call" for court. The Police Officers normally receive time and a half for court.

One of the officers called Mr. Schumitsch as the contract does not have language for the “stand by” or “on call” for court. Mr. Schumitsch advised to go to court. Mr. Schumitsch reported that the chief told them initially if you want to sit in court go ahead; and then, commented to stay at home and if needed we will call you. The officers stayed at home. Mr. Schumitsch continued that this was a change in the condition of employment. Additionally, this was one of the officers off day. She could not go to Rockford to see a friend or have cocktails. The second officer is a night officer so she was sleeping. He referenced section 8.07 of the contract for Court day and he advised them to put in for overtime. If both had been in court the Village would have paid 24-48 hours, at time and half. One officer requested 4 hours and the second officer requested 6 hours, for a total of 10 hours of pay to compensate the officers.

Currently, this is step three of the grievance procedure. Response from the Village was that the officers were free to do as they wanted.

Attorney Swain offered comments in open session. The issue of on call has contractual implications and also Fair Labor Standards implications. Under this current circumstance, the officers have two hours to show up and keep the phone handy. The officers have to be there in two hours and be competent; they could not lawfully drink. State and Federal Law make it clear that this was not compensable time. This was the first time the District Attorney took this approach. In the past the District Attorney has told officers to be there and they have to report. And if cancelled within 24 hours they get 2 hours pay. The contract does not include language for the “on call” or “standby” compensation. The Village and Union would need to negotiate this item.

**20. Closed Session.**

Convene into closed session pursuant to 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 require a closed session for the purposes of the grievance.

Motion by Pres. Schwab, second by Tr. Mittelsteadt, to convene into closed session at 8:20 p.m. and to include the Village Board, Attorney Swain, Attorney St. Peter, John Walther, Jed Dolnick and Deanna Boldrey.

Roll Call Vote: 7 ayes, 0 nays. Motion carried.

Reconvene Into Open Session with Possible Action on Grievance.

The Village Board convened into open session at 8:45 p.m.

Motion by Tr. Mittelsteadt, second by Tr. Olson to deny the grievance.

Vote: 6 ayes, 1 nay. (Tr. Emmrich) Motion carried.

Attorney Swain commented that the Village will provide the union with a written response within ten days.

**21. Closed Session.**

Convene into closed session pursuant to 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 require 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 likely to become involved. The topics are matters relating to the Village-Town Revenue Sharing Agreement and Cooperative Boundary Plan; Jackson Properties LLC.

Motion by Pres. Schwab, second by Tr. Kufahl, to convene into closed session at 8:45p.m. and to include the Village Board, Trustee Elect Debbie Kurtz, Attorney St. Peter, John Walther, Brian Kober and Deanna Boldrey. Christian Tzschlock was included in a portion of closed session.

Roll Call Vote: 7 ayes, 0 nays. Motion carried.

The Village Board reconvened into open session at 10:40 p.m.

**22. Adjourn.**

Motion by Tr. Mittelsteadt, second by Tr. Lippold to adjourn at 10:40 p.m.

Vote: 7 ayes, 0 nays. Motion carried.

Respectfully submitted by Deanna L. Boldrey, Clerk/Treasurer