

APPROVED MINUTES
Village Board Meeting
Tuesday, September 11, 2018 at 7:30 p.m.
Jackson Village Hall
N168W20733 Main Street
Jackson, WI 53037

1. Call to Order and Roll Call.

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

Members Present: Trustees Emmrich, Kruepke, Kurtz, Lippold, Malcolm and Olson.

Members Absent: None.

Staff present: Brian Kober, Jim Micech, Chief Swaney, Kelly Valentino, Chief Vossekuil, John Walther, Jilline Dobratz and Village Attorney John St. Peter.

2. Pledge of Allegiance.

Pres. Schwab led the assembly in the Pledge of Allegiance.

3. Any Village Citizen Comment on an Agenda Item.

Casey Latz - N168 W21190 Main Street spoke on item #12 stating whatever ordinance would be put together, a lot of residents wouldn't qualify for having chickens. She doesn't see a problem with it and knows there was a lot of discussion at Plan Commission. Nursing homes are now bringing in chickens because they are calming for the residents. Other communities around us have it and don't have a problem with it. Suggests if the Board denies the residents having chickens, they should look into having a therapy chicken. If you don't want a chicken, get a Pot belly pig as you can have that in the Village from what she understands.

Tr. Lippold - W203 N16261 White Oak Circle spoke on agenda item #16 thanking Jim Micech for his dedication over the past 18 years to the Village.

Lyle Alft – N167 W20899 South Street spoke on agenda item #12, in support of a chicken ordinance. Stated some people on the Plan Commission thought it was a waste of their time. He has talked with other citizens and they don't mind having chickens if they aren't at large or are causing problems. Animal, noise and structure ordinances are already in place and would need some adjusting to allow for chickens. They can be pets for people, provide companionship. He doesn't think there should be a problem allowing it.

4. Approval of Minutes for the Village Board Meeting of August 14, 2018.

Motion by Tr. Kurtz, second by Tr. Malcom to approve the Village Board Minutes of August 14, 2018.

Vote: 7 ayes, 0 nays. Motion carried.

5. Presentation of Life-Saving Awards.

Chief Vossekuil presented plaques to Citizen Lee Olson and Office Kyle Henning for pulling a nine-year-old child from a flooded creek in the Green Valley manufactured home community. The citizen plaques for Kyle Brierton and Rashelle Peters will be delivered.

6. Public Hearing – Conditional Use – Dairy Queen Restaurant – Exterior Remodel.

Pres. Schwab opened the public hearing. No one spoke. Pres. Schwab closed the public hearing. This item was recommended by Plan Commission per staff comments.

Motion by Pres. Schwab, second by Tr. Emmrich to approve the Conditional Use – Dairy Queen Restaurant – Exterior Remodel, per staff comments.
Vote: 7 ayes, 0 nays. Motion carried.

7. Public Hearing – Conditional Use – Dairy Queen Restaurant – Sign.

Pres. Schwab opened the public hearing. No one spoke. Pres. Schwab closed the public hearing. This item was recommended by Plan Commission per staff comments.
Motion by Pres. Schwab, second by Tr. Lippold to approve the Conditional Use – Dairy Queen Restaurant – Exterior Remodel, per staff comments.
Vote: 7 ayes, 0 nays. Motion carried.

8. Public Hearing – Planned Unit Development – Maplewood Farms.

Pres. Schwab opened the public hearing.
Brian Lindgren with Neumann Developments was present to answer any questions. Tr. Olson asked what the time frame was to get started. Brian stated they would like to start grading before winter and utilities during winter so they can be ready for paving in spring. Pres. Schwab closed the public hearing. This item was recommended by Plan Commission per staff comments.
Motion by Pres. Schwab, second by Tr. Olson to approve the Planned Unit Development – Maplewood Farms, per staff comments.
John Walther stated the street names could be a challenge for locating purposes. The phases show Cedarville Circle on the west side with Cedarville Court on the inside. Maplewood Circle would be the eastern part and East Gate may have to change, but could change when the parcels come into the Village in 2021. Will have it down in the final plat.
Motion amended by Pres. Schwab, second by Tr. Olson to recommend approval with the understanding the street names need to be worked out in the future.
Vote: 7 ayes, 0 nays. Motion carried.

9. Public Hearing – Planned Unit Development Revision – Stonewall Ridge.

Pres. Schwab opened the public hearing.
Kurt Henning was present to answer questions.
No one spoke. Pres. Schwab closed the public hearing. This item was recommended by Plan Commission per staff comments
Motion by Pres. Schwab, second by Tr. Lippold to approve the Planned Unit Development – Stonewall Ridge, per staff comments.
Tr. Emmrich clarified with Kurt that the condominium association is aware of the revisions. This is just for the two buildings.
Vote: 7 ayes, 0 nays. Motion carried

10. Approval of Licenses

- Operators Licenses:
 - Walgreen's: Austin D. Fitzgerald and Steven J. Jacomet
- Motion by Tr. Kurtz, second by Tr. Emmrich to approve the Operators Licenses.
Vote: 7 ayes, 0 nays. Motion carried.

11. Budget & Finance Committee

- **League of Wisconsin Municipalities – Contribution toward Dark Store Elimination Legislation.**

Motion by Pres. Schwab, second by Tr. Kruepke to approve the League of Wisconsin Municipalities – Contribution toward Dark Store Elimination Legislation in the amount of \$1,200.

Tr. Malcolm asked for an explanation. Pres. Schwab explained the loophole of Wisconsin law allowing retailers to pay taxes based on what the taxes on the building would be if there was no business in it. League of Wisconsin Municipalities is working to have the legislation revised. Village Attorney John St. Peter stated the concept is that assessors are supposed to use comparable values. They look at other stores around the State. Many that are closed are included in the evaluation, the burden is then shifted to the residential, noncommercial users. Tr. Lippold inquired if it was just a Wisconsin loophole. John Walther said other states have it as well.
Vote: 7 ayes, 0 nays. Motion carried.

- **Resolution #18-20 Authorization to File Cross Appeals with Wisconsin State Board of Assessors**

Motion by Pres. Schwab, second by Tr. Lippold to approve Resolution #18-20 Authorization to File Cross Appeals with Wisconsin State Board of Assessors.
Vote: 7 ayes, 0 nays. Motion carried.

- **Pay Request #2 – Ridgeway Drive Reconstruction Project.**

Motion by Pres. Schwab, second by Tr. Malcolm to approve Pay Request #2 – Ridgeway Drive Reconstruction Project in the amount of \$187,096.80.
Vote: 7 ayes, 0 nays. Motion carried.

12. Plan Commission

- **Comprehensive Plan Revision – SEWRPC – Ben McKay.**

Pres. Schwab explained the Comprehensive Plan needs to be revised. The most efficient way to do this is to work with SEWRPC. John Walther stated the plan needs to be separated because it is a Joint Comprehensive Plan with the Town of Jackson. Motion by Pres. Schwab, second by Tr. Emmrich to approve the services of SEWRPC to revise the Comprehensive Plan using option #2.
Vote: 7 ayes, 0 nays. Motion carried.

- **Preliminary Plat Review – Maplewood Farms.**

Motion by Pres. Schwab, second by Tr. Emmrich to approve the Preliminary Plat Review – Maplewood Farms, pending resolution of the street names.
Vote: 7 ayes, 0 nays. Motion carried.

- **Chicken Ordinance**

Pres. Schwab stated the motion at Plan Commission was to not pass a Chicken Ordinance and it passed with a 4 to 2 vote. It's up to the Board to figure out what they want to do.
Motion by Pres. Schwab that the Village Board return it to Plan Commission for further discussion and for the development of an ordinance, second by Tr. Malcolm.

Tr. Olson commented he is in favor of something broader that would include more people to have chickens. Tr. Lippold noted that he was at Plan Commission. He hasn't found anybody on the south side of the Village who wants it and sees no

reason to send it back to Plan Commission. Tr. Kurtz explained that people need to understand there are a lot of things that have to be done to have chickens. Pres. Schwab remarked if an ordinance is set up right, it could eliminate a lot of possible problems up front and still allow those who want to do it right to pursue it. Tr. Malcolm said a lot of thought needs to go into it if it's in the village and doesn't recommend it. Tr. Kruepke requested that staff contact 4 municipalities that have an ordinance to see if they have any problems with the ordinance in their communities and to bring it to Plan Commission.

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

13. Board of Public Works

- **Review of Water Application – 3040 Maple Road**

Motion by Pres. Schwab, second by Tr. Lippold to be referred to closed session for Review of Water Application – 3040 Maple Road.

Vote: 7 ayes, 0 nays. Motion carried.

- **Review of Proposed Sewer and Water System – Maplewood Farms**

Motion by Tr. Olson, second by Tr. Emmrich to approve the Proposed Sewer and Water System – Maplewood Farms.

Vote: 7 ayes, 0 nays. Motion carried.

14. West Bend School District - Update.

Don Kirkegaard and Joel Ongert were present to explain the Jackson fund and referendum update. There is 2.2 million dollars in fund 10, unobligated cash, that is dedicated for the Jackson fund. Also, another fund, fund 46, of 1.75 million dollars, this money is designed for the future construction of a new facility in the Village of Jackson for an elementary school. Joel explained the referendum has been put on hold for right now. The deadline is set by the State to put a referendum question on a ballot and they ran out of time. The School Board would like to enter talks with the Village to purchase the adjacent land next to DPW and the land next to the Fire Department.

Tr. Emmrich stated this has been going on for many years. The kids deserve a new school and it costs the Village every year. Tr. Lippold commented that 3 years ago they were told no funds were set aside to keep the maintenance up on the building, what assurances can be given that the building is safe? Joel explained the building is being maintained, it is not getting any improvements. Tr. Olson asked if any money is still going into the fund for Jackson. Don stated \$250,000 was put into fund 46 in the 2017 school year. The first-time money can be spent from this fund is next summer. Tr. Kruepke commented a Fire Department/Public Safety/Police Department building is not meant to be next to a school. The intersection at Jackson Drive is not intended for emergency vehicles. Tr. Malcolm stated the kids are getting an excellent education and the teachers are doing an excellent job. Tr. Kurtz said she agrees a new school is needed, but has an issue with the amount of money that is talked about spending on a new school as enrollments are declining with school choice. Don replied that enrollment in Jackson dropped 10. He wants to make sure the building is designed so if the enrollment increases, there is the ability to add on if needed. Tr. Malcolm noted a new school will bring people in. Pres. Schwab thanked the School District representatives for their time and commented it is in the best interest of the Village of Jackson to build a new school. Joel stated the School Board has public comment at their public meetings and asked them to come to speak to the Board.

15. Proposed Public Safety Building - Update.

Chief Vossekuil stated he and Chief Swaney had a meeting today with Cedar Corporation. They reviewed the plan and made some minor revisions. It's a building that enhances safety. They discussed ways they can collaborate resources and look forward to progress.

16. Departmental Reports.

Park and Recreation Director Kelly Valentino invited everyone to Culvers on Wednesday, September 12th for the playground fundraising. Reminder the beer garden is September 27, 28 and 29th. They are looking for people to make chili for the chili cookoff.

Chief Swaney commented it is a sentimental day for the Fire and Police Departments. Every day since September 11, 2001 they have been training for major events and making sure the community is safe.

Chief Vossekuil invited the community to Custard with a Cop on September 27th from 4:00 to 7:00 p.m. There will be a lot of family friendly activities.

Brian Kober stated Stonewall and English Oaks have been paved. The new shoulder on Cedar Creek Road will be started. County Trunk P should open at the end of the month.

Jim Micech stated his last day is this Friday. He thanked the board personally for allowing him to grow with the community. It was a pleasure working for the Village.

17. Mid-Moraine Municipal Association Report.

Tr. Kurtz stated tomorrow is a meeting at Village Hall at 7:00 p.m. The speaker is David Arnott from Ruekert & Mielke. The Mid-Moraine Municipal dinner is on September 26th. The speaker is Kenneth Herdeman, President of Ehlers, Inc.

18. Washington County Board Report.

None

19. Greater Jackson Business Alliance Report.

None

20. Citizens to Address the Village Board.

Casey Latz commented regarding chickens that the State is only involved when selling the eggs. John Walther stated the chickens must be registered with the DATCP. Jim Micech commented if the eggs are sold then the chickens must be tested.

Nichol Krueger spoke on her property at 3040 Maple Road, Town of Jackson. They have buyers who would like to purchase the property, but they won't purchase the land if they can't have water. She thanked the board for their consideration.

Andrew Gall spoke on behalf of the buyers interested in the 3040 Maple Road parcel of land. They hope the board will approve the hook up of water.

- 21. Closed Session pursuant to Wis. Stats. §19.85(1)(e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; regarding pending real estate topics; and §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 involved; regarding water extension dispute.**

Motion by Pres. Schwab, second by Tr. Lippold to convene into closed session at 8:56 p.m. and to include the Village Board, Village Administrator, Village Engineer, Village Clerk, Chief of Police, Chief of the Fire Department and Village Counsel.

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

Reconvene into Open Session

The Village Board reconvened into open session at 9:47 p.m.

Review of Water Application – 3040 Maple Road

Motion by Pres. Schwab, second by Tr. Lippold to accept the recommendation of the Board of Public Works to deny the Water Application – 3040 Maple Road.

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

- 22. Adjourn.**

Motion by Pres. Schwab, second by Tr. Kurtz to adjourn.

Vote: 7 ayes, 0 nays. Meeting was adjourned at 9:48 p.m.

Respectfully submitted:

Jilline Dobratz, *CMC/WCMC*
Village Clerk/Treasurer