

**APPROVED MINUTES
Village Board Meeting
Tuesday, September 13, 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 Kruepke, Kufahl, Emmrich, and Kurtz.

Member Excused: Trustees Lippold and Olson

Staff present: John Walther, Brian Kober, Fire Chief Swaney, Jim Micech, Kelly Valentino.

2. Pledge of Allegiance.

President Schwab led the assembly in the Pledge of Allegiance.

Motion by Pres. Schwab, second by Tr. Kufahl to move item number 10 up on the agenda to follow item number 4. Vote: 5 ayes, 0 nays. Motion carried.

3. Any Village Citizen Comment on an Agenda Item.

President Schwab stated the rules for Public Comment and to keep comments to approximately two minutes.

Clifford Zych of Kami Lane commented on his concern of the Twin Bridges area not informed of the Sherman Road project proposed and the infrastructures of the project.

Dirk Wildt commented that he is a developer in the area. He was concerned of the high-end condos and would like more information on the Sherman Road Project.

Joe Merkel commented with the size of the buildings and description of the building.

Jane Kadow of Twin Bridges spoke against the Sherman Road Concept Plan.

4. Public Hearing: Resolution #16-19 Authorizing the Levy of Special Assessments against Benefited Property Associated with the Wilshire Drive Reconstruction Project

Pres. Schwab opened the Public Hearing with the same rules to keep comment to approximately two minutes.

Scott Kurtz of Wilshire Drive commented that he did not benefit from the project as he suffered property damage. His driveway sunk over one inch when the encroachment was pulled out. This should have been temporarily back filled. His slab cracked and tipped. The finish on the concrete is terrible. The tree did not push the slab up.

Mike Hansen commented that he lives on Chateau Drive and this is the worst concrete job he has seen. He is happy with the road and questioned the amount for the sidewalk.

Darrell Wobig questioned how the final price was arrived at.

Brandon Barnett commented on his sump pump and settling in the winter. The grass planted between road and sidewalk is very weedy. He also questioned when the street light will be installed.

John Wahlgren questioned the estimate and the difference in the preliminary amounts.

Pres. Schwab closed the Public Hearing. The Board of Public Works recommended approval of the resolution. The motion to recommend the resolution failed at the Budget and Finance Committee meeting.

Brian Kober commented that the concrete is under a one year warranty. Brian Kober questioned what part of the concrete the person saw as he thought it was a good finish on the concrete.

Tr. Emmrich questioned the lip of the concrete for the Kurtz property. There were pictures on the laptops showing the concrete prior to the project and after of the concrete.

The preliminary estimates and final numbers difference was due to the sump pump laterals that were verified during the project. The estimate of footage was different than the final due to the lengths and number of laterals varying.

Tr. Kufahl commented on the communication of the project status such as the village website, email blasts and the facebook. Brian commented that the communication is a two way street but will try different aspects of communication.

Motion by Tr. Kruepke, second by Tr. Kufahl to approve Resolution #16-19 Authorizing the Levy of Special Assessments against Benefited Property Associated with the Wilshire Drive Reconstruction Project. Vote: 4 ayes, 0 nays, 1 abstain (Tr. Kurtz). Motion carried.

10. Appeal of Vicious Dog Determination – Megan Stevens.

Chief Dolnick gave background to the item. Chief Dolnick commented that in May, the dog Molly jumped through a screen and attacked a dog. The bite did not break the skin or cause injury. There was a citation issued for an unlicensed dog on June 8th. Then on September 1st, Molly got out again and attacked another dog, shaking the dog and causing injury. Another citation was issued for an unlicensed dog and a dog at large.

Chief Dolnick commented that he had to follow through with the vicious dog determination according to the Village Code. It is further complicated because Megan Stevens lives in a multi-family dwelling and according to the ordinance she cannot keep a vicious dog in a multi-family dwelling. Megan has licensed both dogs.

Megan Stevens commented that there was not an injury to the dog on May 20th and Megan did pay for the vet bill. On September 1st the kids let the dog out. The dog has been around other dogs and kids and has not had problems. She commented that kids do come over and play. There have not been prior issues. She has four small children. They have a kennel and muzzle and she is willing to get the dog spayed. Megan commented that the dog went into heat immediately following the May 20th incident.

Megan commented that Molly is a lab mix and Monster is a pit. Tr. Emmrich commented that he has three dogs legally and loves dogs. The dog is not bad; it is the owner. He commented concern of the dog being unprovoked and attacking a child. Megan commented that the dog has not been aggressive toward her children or other children. It is the owner's responsibility to make sure the dog does not get out.

Motion by Pres. Schwab, second by Tr. Kruepke to deny the appeal of the vicious dog determination for Megan Stevens.

Vote: 5 ayes, 0 nays. Motion carried.

Megan commented that the dog will live with her Mom in West Allis. After the dog is with her Mom, Megan will sign a notarized form and take it to the Police Department. Megan was informed that Village Hall Staff and the Police Department Secretary are notaries and can notarize her signature at no charge.

5. Consent Agenda:

- Approval of Minutes for the Village Board Meetings of August 9, 2016.
- Licenses.
Operator Licenses:
The Village Mart: Deborah Schooley, Lucretia Choice
Latest Edition: Patricia Vogel, Suzanne Rose
Main Street: Bryan Chuebeyang
Jackson Pub: Carly Kemmeter

Motion by Pres. Schwab, second by Tr. Kufahl to approve the Consent Agenda items of the Village Board Minutes of August 9, 2016, and the Operators' Licenses.

Vote: 4 ayes, 0 nays, 1 abstain (Tr. Kruepke). Motion carried.

6. Budget & Finance Committee.

Bids for Industrial Drive Sidewalk Project.

The Board of Public Works and Budget and Finance recommended the Village Board Approve the T.P. Concrete bid in an amount not to exceed \$46,885.50.

Motion by Tr. Kufahl, second by Tr. Kurtz to recommend approval of the T.P. Concrete bid in an amount not to exceed \$46,885.50. Brian Kober commented that the project will start beginning of October with a completion date of mid-October.

Vote: 5 ayes, 0 nays. Motion carried.

Resolution #16-18 Setting the Preliminary Assessment Area Industrial Drive Sidewalk Project.

The Board of Public Works and Budget and Finance recommended the approval of Resolution 16-18 Setting the Preliminary Assessment Area Industrial Drive Sidewalk Project. Motion by Pres. Schwab, second by Tr. Kufahl to recommend approval of approval of Resolution 16-18 Setting the Preliminary Assessment Area Industrial Drive Sidewalk Project. Brian will mail information to property owners.

Vote: 5 ayes, 0 nays. Motion carried.

Final Pay Request – Jackson Drive Reconstruction Project.

The Board of Public Works and Budget and Finance recommended approval of the final pay request for the Jackson Drive Sidewalk Project in an amount not to exceed \$4,794.45. They did give a two year guarantee on the sidewalk. The landscaping has been completed.

Motion by Pres. Schwab, second by Tr. Kufahl to recommend approval of the final pay request for the Jackson Drive Sidewalk Project in an amount not to exceed \$4,794.45.

Vote: 5 ayes, 0 nays. Motion carried.

Pay Request #4 – Wilshire Drive Reconstruction Project.

The Board of Public Works recommended approval of Pay Request #4 – Wilshire Drive Reconstruction Project in an amount not to exceed \$16,288.90. The item failed for a lack of a second at Budget and Finance.

Motion by Tr. Emmrich to withhold the pay request until the issues brought up are addressed. Second by Tr. Kufahl for the purposes of discussion.

Discussion of withholding the pay request ensued. Tr. Kufahl questioned if the \$5,000 would be held if the pay request was approved. Brian Kober commented to approve and withhold until the landscaping is done. \$5,000 is being withheld.

Pres. Schwab commented concern that \$5,000 is not enough retainage.

Pres. Schwab called the question to withhold / deny the pay request.

Vote: 4 ayes, 0 nays, 1 abstain (Tr. Kurtz). Motion carried.

The item will return to the October meeting.

Renewal of Assessor Contract – Grota Appraisals, LLC.

The Renewal of the Assessor Contract with Grota Appraisals LLC was recommended b for approval by the Budget and Finance Committee. Motion by Pres. Schwab, second by Tr. Kruepke to approve the Renewal of Assessor Contract – Grota Appraisals, LLC.

Vote: 5 ayes, 0 nays. Motion carried.

7. Plan Commission.

Concept Plan – Condo Style Apartment Development – Sherman Road.

Motion by Pres. Schwab, second by Tr. Kruepke to approve the Concept Plan – Condo Style Apartment Development – Sherman Road.

This is a concept plan review. Joe Merkel commented that the target monthly rental is \$1,225 per month. Joe believes there is a demand for the apartments with this type of rent based on a feasibility report.

Vote: 5 ayes, 0 nays. Motion carried.

8. Board of Public Works.

Space needs Analysis – Cedar Corp.

Cory Scheidler and Ron Dalton of Cedar Corp gave a summary of the findings. They commented that the Police Department is functionally undersized and obsolete. The Fire Department is functionally undersized and obsolete. More space is required. Discussion of possible sites for a public safety building ensued.

Motion by Tr. Kufahl, second by Tr. Kruepke to accept the study & continue the process.

Vote: 5 ayes, 0 nays. Motion carried.

9. Thirteenth-Amended Agreement for the Operation of the Mid-Moraine Municipal Court. (§66.0301, Wisconsin Statutes)

Motion by Tr. Emmrich, second by Tr. Kurtz to approve the Thirteenth-Amended Agreement for the Operation of the Mid-Moraine Municipal Court. This will give John Walther the authority to sign the documents.

Vote: 5 ayes, 0 nays. Motion carried.

10. Appeal of Vicious Dog Determination – Megan Stevens. – Moved up on agenda.

11. Departmental Reports.

Brian Kober reported that Bill Waech won the State Wide Snow Plow Rodeo. Bill exceeded at the written test, the truck inspection, and the driving course. Brian displayed the plaques.

12. Budget Meeting Dates with Possible Direction.

- September 21, 2016, Joint Park & Recreation Commission – Director of Parks and Recreation Presentation of 2017 Budget, (to be held at the Community Center)
- September 29, 2016, Board of Public Works – Director of Public Works Presentation and Building Inspector Presentation of 2017 Budgets. This will follow the Plan Commission Meeting. Discussion of budget workshop dates ensued. John will email to the board members for possible dates.

The Town has called a “Public Hearing” for September 27, 2016.

13. Washington County Board Report.

No Report.

14. West Bend School District Liaison Report.

Pres. Schwab commented that the School District website shows that the Jackson School Fund to be over \$3 Million.

15. Greater Jackson Business Alliance Report.

No Report.

16. Mid-Moraine Legislative Committee/Mid-Moraine Municipal Report.

Administrator Walther reported that the Mid-Moraine Legislative Committee will meet tomorrow night at the Village Hall. The Mid-Moraine Municipal Committee will meet on October 26th in Hartford. Pres. Schwab commented that on May 27, 2017, the Village will host the Mid-Moraine Dinner.

17. Citizens to Address the Village Board.

Casey Latz commented in support of the board action in regards to the vicious dog items.

Bob Seidel commented that the upcoming Public Hearing, perspective that the confidentiality is moved to a public process with the passing of the resolution and may not be confidential.

18. Convene into closed session pursuant to 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 is likely to become involved; in matters relating to Jackson Properties, LLC, Patriot Homes, LLC, and the Village-Town Revenue Sharing Agreement and Cooperative Boundary Plan.

Motion by Pres. Schwab second by Tr. Kufahl to convene into closed session at 9:17 p.m. and to include the Village Board, John Walther, Brian Kober, Deanna Boldrey, and Dave Wagner.
Roll Call Vote: 6 ayes, 0 nays. Motion carried.

Reconvene into Open Session with Possible Action on closed session items.

The Board Reconvened into Open Session at 9:52 p.m.

19. Adjourn.

Motion by Tr. Kufahl, second by Tr. Kruepke to adjourn.

Vote: 6 ayes, 0 nays. Motion carried. Meeting was adjourned at 9:52 p.m.

Respectfully submitted by Deanna L. Boldrey, Clerk/Treasurer