

**VILLAGE OF THIENSVILLE
BOARD OF TRUSTEES
MINUTES**

DATE: Monday, January 20, 2020

**LOCATION: 250 Elm Street
Thiensville, WI
Thiensville Fire Training Room**

TIME: 6:00 PM

I. CALL TO ORDER

President Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

President:	Van Mobley	
Trustees:	Samuel Azinger	Rob Holyoke
	Kristina Eckert	Kenneth Kucharski
	Ronald Heinritz	David Lange
Administrator:	Colleen Landisch-Hansen	
Attorney:	Tim Schoonenberg	
Village Planner:	Jon Censky	
Staff:	Police Chief Curt Kleppin	
	Director of Community Services/Public Works Andy LaFond	
	Village Clerk/Deputy Treasurer Amy Langlois	

III. PLEDGE OF ALLEGIANCE

Trustee Lange led the recitation of the Pledge of Allegiance.

IV. PUBLIC HEARINGS

- A. PUBLIC HEARING #1: TO AMEND THE LAND USE ELEMENT OF THE VILLAGE'S COMPREHENSIVE PLAN TO CHANGE THE RECOMMENDED LAND USE FOR THE PARCELS OF LAND LOCATED AT 116 NORTH ORCHARD STREET AND 138 BUNTROCK AVENUE (TAX PARCEL ID NO. 12-050-06-20-001), 124 NORTH ORCHARD STREET (TAX PARCEL ID NO. 12-075-02-15-002), 12-050-06-22-007, 12-075-02-17-000 AND 12-075-02-16-000 FROM THE INSTITUTIONAL CLASSIFICATION TO THE SINGLE-FAMILY RESIDENTIAL CLASSIFICATION FOR THE SCHOOL AND THE OFFICE CLASSIFICATION FOR THE FORMER CHURCH.**
- B. PUBLIC HEARING #2: TO REZONE THE SUBJECT PROPERTIES FROM I-1 INSTITUTIONAL DISTRICT TO R-2 SINGLE-FAMILY RESIDENCE DISTRICT FOR THE SCHOOL AND B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT FOR THE FORMER CHURCH, PLANNED DEVELOPMENT OVERLAY TO BE PLACED OVER THE ENTIRE SITE.**

- 1. Motion to open Public Hearings

MOTION by Trustee Azinger, **SECONDED** by Trustee Lange to Open the Public Hearing at 6:02 PM. **MOTION CARRIED UNANIMOUSLY.**

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2. Administrator to explain Notice of Public Hearings

Administrator Landisch-Hansen explained and read the Notice of Public Hearings.

3. Comments from anyone present requesting to be heard

Anne Sehmer – 117 North Orchard Street - Ms. Sehmer likes the proposed plan and inquired about the number of homes proposed for the site. It was confirmed that the proposed development is for 10 single-family home lot packages. Ms. Sehmer also inquired about an existing single family home as it is on the shared well co-op. It was also confirmed that the church will be used as an office for Mr. Devorkin. There is a vacant lot on Ellenbecker that is for sale. Ms. Sehmer has concerns about this lot and flooding. Ms. Sehmer is happy with the proposal.

Alan Siggelkow – 204 Division Street - Mr. Siggelkow inquired about the installation of City water. Administrator Landisch-Hansen shared that the plan is to finish a Betterment of Service loop along Buntrock Avenue to tap into a water main for City water. Mr. Siggelkow also shared concerns regarding parking. Street parking is allowed.

Dave Michalski – 111 Ellenbecker Road - Mr. Michalski inquired about the water loop. Administrator Landisch-Hansen shared that the Village has an agreement with the City of Mequon which is a Betterment of Service project. This is in the lineup for the City of Mequon to complete as it strengthens the water system as a whole. The Village would just be expediting that project. The Village is contracting to do this work ahead of schedule, however, the City will be reimbursing the Village. Mr. Michalski also inquired if there is opportunity for those residents on Ellenbecker Road to hook up to City water as well. Administrator Landisch-Hansen shared that there will be opportunity in the future. The Village is looking at hosting a neighborhood meeting to discuss the opportunity for volunteer connection. City water is a voluntary utility. Mr. Michalski does have concerns about the 50 foot lot width for the proposed development. It was confirmed that the lot size fits within Village Code and that 50 foot wide lots are not unusual. Mr. Michalski also inquired if as neighbors they can work with the Plan Commission on the development as it goes forward. The Michalski's back yard abuts the new development. There currently is a chain-link fence along the property line. Administrator Landisch-Hansen shared that each of the homes would have to individually come back for approvals for a fence. Lastly, Mr. Michalski questioned a statement on the agendas noting that residents can speak on items not on the agenda and does not feel like this is an example of open government.

Deborah Michalski – 111 Ellenbecker Road - Mrs. Michalski inquired about the Betterment of Service project with the City of Mequon. Administrator Landisch-Hansen confirmed that the agreement with the City and the advancement of funds that will be repaid by the City is just for the loop on Buntrock Avenue. Mrs. Michalski also questioned when the reimbursement of taxpayer money or Village money to Mr. Devorkin can be addressed by residents. President Mobley indicated that this can be addressed at the Committee of the Whole on Monday, February 3, 2020. Mrs. Michalski expressed interest in hooking up to City water as well. Also, shared was that as residents it is difficult to keep on top of all that is going on without going to every Village meeting. President Mobley shared that the Board tries to be open and transparent, however, the Board is elected by the residents to have their best interest when making decisions.

Alex Siliva – Moving to 413 North Main with Dental Practice – Mr. Silvia currently resides in Sussex, however, is interested in moving to the Village. Mr. Silvia suggested that 50 foot wide lots is narrow and inquired about the reasoning behind this. Planner Censky shared that the first proposal from the Developer was for higher density rental units.

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Charles Beacham – 132 North Orchard Street – Mr. Beacham questioned if the proposed development is for single family homes or condo units. It was confirmed that these are single-family home lots.

Rebecca O’Deja – 101 Ellenbecker Road – Ms. O’Deja shared that this proposal is a worthwhile compromise compared to what was first proposed by the Developer and inquired if there are any safeguards that could be put in place to ensure that down the line if Mr. Devorkin sells the property that it is not turned into something not appropriate for the neighborhood. Planner Censky indicated that the proposed zoning for the church site is B-3 which is very limited office or professional development types of uses. The proposed zoning is the most restrictive zoning for office uses.

Deborah Michalski – 111 Ellenbecker Road – Mrs. Michalski questioned the compromise regarding high density and believes that by the Village reimbursing Mr. Devorkin is a compromise. As a citizen, Mrs. Michalski is against the 50 foot wide lots and stated that whoever represents her, that she would like them to take that into consideration. Mrs. Michalski feels that the Village is handing Mr. Devorkin everything and knows many communities that have fought development. President Mobley did share the Village will get more taxes with the smaller lot sizes. Two lots are gained by having 50 foot wide lots as opposed to 60 foot wide.

4. Administrator reads any correspondence received related to the request

There was no correspondence received related to this request.

5. Comments from the Village Board

Trustee Azinger expressed his approval of this project and appreciates how far the project has come from the first proposal and is willing to do whatever is needed to advance this project as it is very close to what was asked for of the Developer. Trustee Azinger thanked the neighbors for attending the Public Hearing.

C. MOTION TO CLOSE PUBLIC HEARINGS

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to Close the Public Hearings at 6:28 PM.
MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

Upon request of any Trustee, any item may be removed from the Consent Agenda for special consideration.

V. APPROVAL OF MINUTES

- A. Board of Trustees**
 - 1. December 16, 2019**

VI. DEPARTMENT REPORTS (Receipt)

- A. **Department Reports (Receipt)**
 - 1. Fire Department
 - a. 4th Quarter Fire, 2019
 - 2. Police Department
 - a. December Police, 2019
 - 3. Public Works Department
 - a. December DPW, 2019

VII. COMMITTEE REPORTS

VIII. REPORTS AND COMMUNICATIONS

- A. **Historic Preservation Commission**
 - 1. December 11, 2019
- B. **Mequon-Thiensville Bike and Pedestrian Way Commission**
 - 1. October 3, 2019
- C. **Milwaukee River Advisory Committee**
 - 1. August 6, 2019

MOTION by Trustee Azinger, **SECONDED** by Trustee Lange to approve the Consent Agenda. **MOTION CARRIED UNANIMOUSLY.**

BUSINESS AGENDA

IX. FINANCIAL REPORTS AND ACCOUNTS PAYABLE

- A. **Accounts Payable for All Funds**
 - 1. **Accounts Payable**
 - a. December 16, 2019 through January 17, 2020

Administrator Landisch-Hansen reported that tax settlements to the school district, Ozaukee County and MATC total \$2,495,854.62, fourth quarter O&M payments to MMSD totaled just under \$55,000, salt purchase from Ozaukee County was about \$17,000 and the 2020 capital charge for MMSD totaled \$422,920.

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to approve the Accounts Payable from December 16, 2019 through January 17, 2020 in the amount of \$3,358,624.41. **MOTION CARRIED UNANIMOUSLY.**

- 2. **Financial Report (Receipt)**
 - a. December, 2019

The Financial Report was received.

X. PRESIDENT'S REPORT

- A. Operator's License – New
 - 1. Grace Lutheran Church
 - a. Steven Michael Mussatti

MOTION by Trustee Kucharski, **SECONDED** by Trustee Eckert to approve Operator's License – New, Grace Lutheran Church: Steven Michael Mussatti. **MOTION CARRIED UNANIMOUSLY.**

XI. ADMINISTRATOR'S REPORT

- A. Department Reports
 - 1. Administrator's Report

Administrator Landisch-Hansen shared that there will be a Spring Primary held in the Village on Tuesday, February 18, 2020 for Supreme Court. There are three candidates.

Property tax collections in December yielded 63.29% of the total taxes due compared to 68.19% last year. Final day for Village collections is Friday, January 31, 2020. There is a 5 day walk-in grace period.

The annual audit is scheduled for February 10, 2020.

A summary of grant funding was shared for 2019 and 2020 totaling \$254,315. These grants help the Village provide services that benefit the residents.

The Police Department has been updating the Emergency Management processes. As part of this process, elected officials as well as the Village staff have some training that needs to be completed to be in compliance should there be a disaster and need for federal funding. Administrator Landisch-Hansen informed the Board on how to complete this training.

There will be a WI DOT meeting to discuss the I-43 to WIS 60 reconstruction project on Tuesday, January 21, 2020 at 2:00 PM at Mequon City Hall. This project may impact traffic through the Village.

- 2. Building Inspection Department (Receipt)
 - a. January, 2020 Report

The Building Inspection Department report was received.

XII. ATTORNEY'S REPORT

No Attorney's report.

XIII. COMMITTEE REPORTS

- A. Review and approval of Resolution No. 2020-01 Adopting an Amendment to the Comprehensive Plan for 2035 Changing the Recommended Land Use For The Parcels Of Land Located At 116 North Orchard Street And 138 Buntrock Avenue (Tax Parcel Id No. 12-050-06-20-001), 124 North Orchard Street (Tax Parcel Id No. 12-075-02-15-002), 12-050-06-22-007, 12-075-02-17-000 and 12-075-02-16-000 From The Institutional Classification To The Single-Family Residential Classification For The School And The Office Classification For The Former Church

Planner Censky explained that the Comprehensive Plan is a plan that serves as the official guide for future development of a Village. This is a plan that is required of every community in the state based on a law that was adopted in 1999. State law requires that before any change in use or any rezoning to a property that the Comprehensive Use Plan and the Zoning be consistent with each other. The Public Hearings held this evening ensures that this is established.

MOTION by Trustee Azinger, **SECONDED** by Trustee Heinritz to approve Resolution No. 2020-01 Adopting an Amendment to the Comprehensive Plan for 2035 Changing the Recommended Land Use For The Parcels Of Land Located At 116 North Orchard Street And 138 Buntrock Avenue (Tax Parcel Id No. 12-050-06-20-001), 124 North Orchard Street (Tax Parcel Id No. 12-075-02-15-002), 12-050-06-22-007, 12-075-02-17-000 and 12-075-02-16-000 From The Institutional Classification To The Single-Family Residential Classification For The School And The Office Classification For The Former Church. **MOTION CARRIED UNANIMOUSLY.**

- B. Review and approval of Ordinance No. 2020-01 An Ordinance Rezoning the Property at 116 North Orchard Street and 138 Buntrock Avenue in the Village of Thiensville from I-1 Institutional District to R-2 and B-3 (PDO) Single Family Residential and Office/Professional Business Districts and Planned Development Overlay

MOTION by Trustee Azinger, **SECONDED** by Trustee Eckert to approve Ordinance No. 2020-01 An Ordinance Rezoning the Property at 116 North Orchard Street and 138 Buntrock Avenue in the Village of Thiensville from I-1 Institutional District to R-2 and B-3 (PDO) Single Family Residential and Office/Professional Business Districts and Planned Development Overlay. **MOTION CARRIED UNANIMOUSLY.**

- C. Review and discuss Developer Agreement

Attorney Tim Schoonenberg gave a brief summary of the proposed Developer Agreement. Ordinance requires that in the case of a Planned Development Overlay, which means that some of the zoning requirements are relaxed like lot with or incentive based items, that a Developer Agreement is approved by the Village Board. Within the Developer Agreement are timetables, performance requirements, how appropriate security is maintained if the developer stops in the middle of a project, etc. The Developer Agreement is really an enforcement tool if the developer does not follow through on what was agreed upon.

Attorney Schoonenberg stated that one of the major benefits of this development is pulling these parcels out of the Institutional zoning which does have a very large list of intense uses that would not be able to stopped. Attorney Schoonenberg believes that this project is of very high quality.

Phase I is what Mr. Devorkin's LLC is responsible for. There will be a cap on the Village's requirement to reimburse of \$350,000. There is also a personal guarantee of an additional \$70,000 from the Developer. In the event that the Developer were to leave the project, the Village has a guarantee and representation that there are personal assets to collect from in order to finish the project. This includes demolition, interim lot grading, historic church improvements and approvals.

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In order for the Developer to be reimbursed for Phase I, the Developer has to complete all that is outlined in the Agreement.

For Phase II, the Developer would have to connect to the sanitary sewer system, get into an agreement for water services with the City of Mequon and develop the storm drainage facilities. When this is complete, the Village will reimburse the Developer \$100,000. Thereafter, the Village would not reimburse until each of the individual building permits are issued to each of the lots. The Developer would get \$5,000 per lot which would be the remaining \$50,000 in incentive. The remaining \$150,000 is guaranteed by a Letter of Credit. The terms for the Village being able to draw on that are outlined in the Agreement. Basically the terms are that if the Developer does not do what is agreed upon, then the Village can make a draw to finish the project.

There are impact fees that are required of the Developer that are covered in the Agreement as well as when it comes to building these houses the Agreement states that the Village approves these new homes individually. The concepts that are proposed will be a factor in the approval process.

The completion schedule for Phase I is not to be completed later than September 1, 2020 and Phase II is to be completed not later than December 31, 2020.

The Developer Agreement will be before the Village Board on February 3, 2020 for review and approval.

- D.** Review and approval of recommendation regarding Request for Proposal for Design and Construction, Buntrock Avenue Water Main Extension and Betterment of Service Loop, Buntrock Avenue/Main Street to Seminary Drive

Director of Community Service/Public Works Andy LaFond explained the the Village will be completing a Betterment of Service loop to bring water from Seminary Drive to Main Street. In the Developer Agreement the Village agrees to make City of Mequon water available to the Developer. In 2018 the Village entered into an Intergovernmental Agreement with the City of Mequon. For the Hoff development, the Village agreed to give up the sewer capacity in exchange for Mequon completing the water loop. In that Agreement, the City agreed to complete it no later than December 31, 2023. That Agreement included the option for the Village to accelerate construction with the reimbursement from the City in 2023.

The Intergovernmental Agreement requires the Village to enter into a Water Services Agreement. Part of this Agreement requires the Village to go to a Request for Proposal for engineering and design. This is a departure from how the Village usually contracts for engineering because we have an appointed engineering firm so proposals were solicited. The low bid was \$22,140 from Clark Dietz.

MOTION by Trustee Lange, **SECONDED** by Trustee Holyoke to approve and accept Proposal for Design, Construction Management and Inspection Services of the Buntrock Avenue Betterment of Services Water Main Loop to Clark Dietz of Milwaukee and Authorize Staff to Enter Into a Professional Services Agreement for \$22,140.
MOTION CARRIED UNANIMOUSLY.

- E.** Review and approval of Water Services Agreement

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to approve Buntrock Avenue Water Main Loop Betterment of Service Water Services Agreement Between the Mequon Water Utility and the Village of Thiensville.
MOTION CARRIED UNANIMOUSLY.

F. Review and approval of Capital Expenditures List

Administrator Landisch-Hansen shared the following budgeted capital expenditure requests: 3 radar units for the Thiensville Police Department in the amount of \$7,626, 14 ballistic plates for each of the 7 Officer vests in the amount of \$4,690, firearm clearing barrel in the amount of \$699, 3 iPads for the Thiensville Fire Department for \$3,400 and property file digitization in the amount of \$10,500.

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to approve the following Capital Expenditures: 3 radar units for the Thiensville Police Department in the amount of \$7,626, 14 ballistic plates for each of the 7 Officer vests in the amount of \$4,690, firearm clearing barrel in the amount of \$699, 3 iPads for the Thiensville Fire Department for \$3,400 and property file digitization in the amount of \$10,500. **MOTION CARRIED UNANIMOUSLY.**

G. Presentation from the Mequon-Thiensville Rotary, Mequon-Thiensville Promenade (Connie Pukaite)

Sandy Custer, Thiensville-Mequon Rotary Foundation, provided the Board with an update on the Thiensville-Mequon Rotary Foundation's progress on the Town Center Gateway project.

The Rotary Foundation has secured a lease for the Gateway land from the City of Mequon and a construction team and a construction manager have been secured. The original full circular design was quite costly so the design has been modified to lower costs and create greater public access to the site while drawing attention to the Mequon-Thiensville Town Center District.

Quotes on the new design are approximately \$700,000. The Foundation's commitment is to raise at least \$500,000 in private funds; 72% of this goal has been reached. A Development Agreement was reached with the City of Mequon and a commitment to provide \$150,000 for construction; this is in addition to the \$60,000 that the City has already paid for the planning process. This came with two conditions: first to reconfirm the Village's commitment for a \$50,000 contribution and second there must be pledges or deposits of 75% of the total funds needed before starting construction. Hopes are to begin construction on May 4, 2020 with completion by October, 2020.

In order to proceed from this point, the Rotary Foundation is asking the Village Board to confirm their continuing commitment to provide \$50,000 for construction costs of the Mequon-Thiensville Town Center Gateway project.

It was confirmed by Village Administrator Landisch-Hansen that there is \$50,000 in Fund Balance Reserves for this project.

Trustee Lange expressed support for this project.

President Mobley indicated that this will be before the Village Board on February 3, 2020 for review and approval.

Mr. Custer thanked the Board for their time.

NEXT RESOLUTION NUMBER:	2020-02
NEXT ORDINANCE NUMBER:	2020-02

XIV. REPORTS AND COMMUNICATIONS

XV. BUSINESS FROM THE FLOOR

A. Citizens to be Heard

Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

Deborah Michalski – 111 Ellenbecker Road – Mrs. Michalski asked for clarification regarding costs associated with the installation of City of Mequon water. Mrs. Michalski also inquired about the setback for the new homes and stated that a lot of the electrical lines are on the lot lines. Village Ordinance requires any electrical updates to be buried. Mrs. Michalski inquired if any of the lines go down, who is responsible for burying these lines, and will this be an expense to her. Director LaFond stated that any new construction is required to bury their utility from the pole to the house.

XVI. UNFINISHED BUSINESS

XVII. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE DECEMBER 16, 2019 VILLAGE BOARD MEETING

- A. Inter-Governmental Committee with Mequon
- B. Use of 101 Green Bay Road, Old Village Hall & Fire Station
- C. Acceptance/Report of Gifts Received:
 - 1. \$1,000 from Carolyn Abraham to the Thiensville Fire Department
 - 2. \$50 from Henry and Elizabeth Bjorkman to the Thiensville Fire Department
 - 3. \$25 from Douglas and Christine Koerner to the Thiensville Fire Department
- D. Dialog with Mequon regarding water utility service
- E. Review next month's meeting date schedule:
 - February 3, 2020 – Committee of the Whole at 6:00 PM and Special Board of Trustees
 - February 17, 2020 – Board of Trustees at 6:00 PM
 - March 2, 2020 – Committee of the Whole at 6:00 PM
 - March 16, 2020 – Board of Trustees at 6:00 PM

MOTION by Trustee Kucharski, **SECONDED** by Trustee Heinritz to accept with gratitude the gift of \$1,000 from Carolyn Abraham to the Thiensville Fire Department, \$50 from Henry and Elizabeth Bjorkman to the Thiensville Fire Department and \$25 from Douglas and Christine Koerner to the Thiensville Fire Department. **MOTION CARRIED UNANIMOUSLY.**

The dates for the February and March meeting dates were confirmed. There will be a February 3, 2020 Committee of the Whole and Special Board of Trustees to follow, February 17, 2020 Board of Trustees and on March 2, 2020 the Committee of the Whole and Board of Trustees will be combined.

XVIII. ADJOURNMENT

MOTION by Trustee Holyoke, **SECONDED** by Trustee Azinger to adjourn the meeting at 7:03 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Colleen Landisch-Hansen
Administrator