

VILLAGE BOARD MEETING AND CLOSED SESSION – October 4, 2010

Village President, Jeffery Flaws, called the Regular Village Board meeting to order at 6:30 p.m.

Members Present: Jeffery Flaws, David Lang, Eugene Mayernick, Ken Mace, Lyle Orwig, Wolfgang Henschik and Tom Hardin (6:40 p.m.)

Also present: Clerk Tamez and Special Counsel Timothy Kronquist

Clerk Tamez noted that proper notice of this meeting had been posted in accordance with the open meeting laws of the State of Wisconsin.

CLOSED SESSION

President Flaws requested a motion to go into closed session pursuant to Section 19.85(1)(g), Wis. Stats.—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 as it relates to the request by Great Mission Church for access to the B-2 Business District at 308 E. Oak Crest Drive for church, synagogue, and other place of worship uses.

Motion by Trustee Mayernick to adjourn into closed session, second by Trustee Henschik; the roll call vote is as follows: Trustee Mayernick— yes, Trustee Henschik – yes, Trustee Lang – yes, Trustee Mace – yes, Trustee Orwig – yes, President Flaws – yes; the motion passed unanimously.

The Board convened into closed session at 6:30 p.m.

RECONVENE INTO OPEN SESSION

Motion by Trustee Mayernick to reconvene into open session, second by Trustee Mace; the roll call vote is as follows: Trustee Orwig – yes, Trustee Mace – yes, Trustee Hardin – yes, Trustee Lang – yes, Trustee Henschik – yes, Trustee Mayernick – yes, President Flaws – yes; the motion passed unanimously.

The Board reconvened into open session at 7:42 p.m.

Members Present: Jeffery Flaws, David Lang, Eugene Mayernick, Ken Mace, Lyle Orwig, Wolfgang Henschik and Tom Hardin.

Also present: Clerk Tamez; Special Counsel Timothy Kronquist; Paige Smaga, Lake Country Publications; Jay Cavaiani, 823 E. Brandybrook Road; Ralph & DeDe Cavaiani, Dousman; Christopher Johnson, 123 W. South Street; Alan Barrett, 508 Thomas Road; Shawn Nareski, 1030 Riverknoll Circle, Oconomowoc; Wilfredo Barreto and Richard Piagentini, Somerset Glen.

Clerk Tamez noted that proper notice of this meeting had been posted in accordance with the open meeting laws of the State of Wisconsin.

PUBLIC COMMENTS

No comments were received.

APPROVAL OF MINUTES

On a motion by Trustee Mace second by Trustee Mayernick, Board members approved the Village Board minutes of the September 20, 2010, meeting amended to read “one of the” instead of “the main” under drainage issues, and acknowledged receipt of the August 31, 2010, Plan Commission meeting minutes and waived reading of both. Trustee Orwig abstained.

PLAN COMMISSION RECOMMENDATIONS

Exterior Lighting for Town Bank—511 North Wales Road

Motion by Trustee Orwig to accept the Plan Commission’s recommendation and approve the proposed exterior lighting plan for Town Bank which includes security lighting which will be on all night as presented, second by Trustee Hemschik, passed.

Proposed Changes to B-1, B-2, B-3 and the I-1 Zoning Districts as it Relates to Civic, Social and Fraternal Associations

Some of the members of the Great Mission Church were present to discuss the changes recommended by the Plan Commission regarding civic, social and fraternal associations being eliminated from the business districts and placed into the institutional district. Questions arose regarding what the differences between the B-1, B-2 and B-3 zoning districts were, why the ordinances needed to be changed and how the change came about. A number of issues were also addressed that included church member concerns that the Village was just looking to keep the church out of the building at 308 E. Oak Crest and by changing the ordinance it will now make it harder for small churches and nonprofits to find a place to utilize in the Village.

President Flaws restated that the reason for the proposed change was to correct an oversight that occurred during the updating and redrafting of the Village zoning ordinance and that many such corrections had been made to the ordinance since its passage in 2009. Some church members commented that it looked like the Village was doing it now to exclude the church because the change was proposed after the Church believed it found a “loophole” to get into the Business District. Board members stated that that was not the reason and said most of the previous corrections had come about the same way, by someone pointing out an error or trying to do something prior to a correction being made.

Richard Piagentini and Jay Cavaiani both spoke about not wasting taxpayer dollars and thinking carefully about what the Board is about to do, because the costs would be great defending their choice in a lawsuit whether the Village won or lost. They contended the Village could just allow Great Mission to be grandfathered in under the old standards and allowed to occupy the building, then stop any further churches from coming in under the new standards and the controversy could all be done with. President Flaws stated that if the Village did that, it could be viewed as discriminating against churches or nonreligious nonprofits making the same request in the future. Board members reminded the church members that their church was currently meeting legally at Wales Elementary School, that their offices at 308 E. Oak Crest were also a permitted use, and that if the building’s owner were to request a rezoning to I-1 to allow its use for religious assembly by the church, the other business tenants would have to leave.

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Motion by Trustee Mayernick to accept the Plan Commission's recommendation and approve starting the process to amend the sections in B-1, B-2, B-3 and I-1 of the Village of Wales zoning code as they relate to civic, social and fraternal associations by removing those uses from the B-1, B-2 and B-3 districts and placing them in the I-1 district, second by Trustee Mace, the motion passed unanimously.

The Plan Commission will be asked to draft the amendments and forward them to the Village Board for final approval after a public hearing has been held.

APPROVE SCOPE OF ENGAGEMENT LETTER WITH QUARLES & BRADY, LLP FOR LOAN WITH WAUKESHA STATE BANK FOR FINANCING AND PURCHASE OF A FIRE ENGINE AND OTHER FIRE EQUIPMENT

Motion by Trustee Hardin to approve the scope of engagement letter with Quarles & Brady, LLP to provide bond counsel services for the Village in conjunction with the loan from Waukesha State Bank for financing and purchase of a fire engine and other fire equipment, second by Trustee Mace, passed.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$244,250 GENERAL OBLIGATION PROMISSORY NOTE TO FINANCE ACQUISITION OF A FIRE ENGINE AND OTHER FIRE EQUIPMENT

Motion by Trustee Lang to adopt the resolution authorizing the issuance and sale of a \$244,250.00 General Obligation promissory note to finance acquisition of a fire engine and other fire equipment, second by Trustee Mace, passed.

FINAL PAY REQUEST FOR WOLF PAVING IN CONJUNCTION WITH THE 2010 PAVING PROGRAM

Motion by Trustee Mace to approve the final pay request from Wolf Paving for \$15,275.70, which includes all retainage amounts and pay, in conjunction with the 2010 paving program, second by Trustee Orwig, passed.

Any issues that arise with the work will be handled under the one-year correction provision. This contract is paid in full at the amount of \$124,222.92.

PARK USE AGREEMENT WITH KETTLE MORAINÉ UNITED, INC.

Motion by Trustee Orwig to approve the park use agreement with Kettle Moraine United, Inc., for use of Community Park Soccer Fields and Concession Stand for a 2-year period, second by Trustee Mace, passed.

The contract will be forwarded for Kettle Moraine United's Board to approve and sign.

MENTAL HEALTH ASSOCIATION IN WAUKESHA COUNTY REQUEST FOR FUNDING FOR 211/FIRST CALL FOR HELP

The request from Mental Health Association in Waukesha, 211/First Call for Help for funding and to participate in its countywide program was addressed again this year. Motion by Trustee Lang to deny the request to participate in funding this service at this time, second by Trustee Mayernick, passed.

2011 PRELIMINARY BUDGET WORKSHEET TURN IN

Trustee Lang collected the preliminary budget worksheets. He reminded everyone that a Committee of Whole meeting will be held on Monday, October 11, 2010, at 7:00 p.m. Preliminary budget figures and requests will be sent to the Village Accountant in preparation for the meeting.

CONSULTATION WITH VILLAGE ENGINEER

The Village Engineer was not required to attend. A memo outlining various projects was distributed. No questions or concerns were raised.

BILLS APPROVED FOR PAYMENT

Bills submitted for 2010 expenses were approved on a motion by Trustee Lang, second by Trustee Hardin, passed.

Correspondence, Sheriff's Department reports and miscellaneous files were submitted.

ADJOURNMENT

The Board adjourned at 9:38 p.m. on a motion by Trustee Orwig, second by Trustee Mace, passed.

Submitted by:
Gail E. Tamez, Clerk