

VILLAGE BOARD MEETING – February 2, 2009

Village President, Jeff Flaws, called the Regular Village Board meeting to order at 7:00 p.m.

Members Present: Jeff Flaws, Eugene Mayernick, David Lang, Wanda Gosa, Lyle Orwig, Wolfgang Hemschik and Robin Haynes

Also present: Clerk Powell; and *Kettle Moraine Index* reporter, Andy Schatschneider. Clerk Powell 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 Orwig, second by Trustee Mayernick, Board members approved the Village Board minutes of the January 19, 2009 meeting, Special Village Board minutes of the January 20, 2009 meeting, acknowledged receipt of the December 16, 2008 Plan Commission meeting minutes and Special Plan Commission and Joint Public Hearing meeting minutes of January 20, 2009 and waived reading of both. Trustee Mayernick requested that Plan Commission minutes of December 16, 2008, be amended to reflect that an attachment be filed with the minutes instead of attached to.

CONSULTATION WITH VILLAGE ENGINEER

The Village Engineer was not required to attend. A memo outlining various projects was distributed. President Flaws updated the Board on the Tenby Harbor status. Trustee Gosa questioned whether or not the Welsh Highland development needed to have the PUD amended since they were requesting a change to the original plan. President Flaws stated that he contacted the Village Attorney and the Building Inspector to discuss the proposed changes and both concurred that by changing 4 of the units 2 car garages to 3 car garages did not have a sufficient enough change to trigger an amendment to the PUD. The development could still handle the storm water runoff and no setbacks would be compromised. Trustee Gosa stated that the Plan Commission should still look at the issue especially considering the opposition this development received from the residents. Trustee Mayernick agreed. By consensus the Board felt that the issue should at a minimum be reviewed by the Plan Commission.

PLAN COMMISSION RECOMMENDATIONS

Business Plan of Operation and Signage for Huntleigh Health Care—308 Oak Crest Drive

Motion by Trustee Haynes to accept the Plan Commission's recommendation and approve the Business Plan of Operation and Signage for Huntleigh Health Care, 308 Oak Crest Drive, as presented, second by Trustee Hemschik, passed.

Business Signage for BR Custom Woodcraft, LLC—203 James Street

Motion by Trustee Orwig to accept the Plan Commission's recommendation and approve the business signage for BR Custom Woodcraft, LLC, 203 James Street, as presented, second by Trustee Gosa, passed.

1st Request for Temporary Banner Signage for Curves—300 E. Summit Avenue

Motion by Trustee Lang to accept the Plan Commission’s recommendation and approve the 1st request for temporary banner signage for Curves, 300 E. Summit Avenue, for 30 days as presented, second by Trustee Hemschik, passed.

** Specifics for signage can be found in Plan Commission minutes of January 27, 2009.

2008 DANIEL DAVIES COMMUNITY SERVICE AWARD

There are two nominations at this time for the 2008 Daniel Davies Award. Ann Mae Badciong and James Bauer. Ms. Badciong was nominated by Beverly Wilke and Mr. Bauer was nominated by Dee Nierswicki and a number of Wales business group members.

Motion by Trustee Hemschik to award James Bauer the 2008 Daniel Davies Memorial Service Award, second by Trustee Mayernick, passed.

JOINT FIRE BOARD VACANCY

Ms. Stefanski, a possible joint fire board candidate, has contacted the Village. She is the Secretary/Treasurer for the Lake Country Fire District. President Flaws asked the Board if they felt there would be a conflict of interest because of her current position. Not only did no one on the board seem to think it would be a conflict of interest, but maybe it could turn out to be a benefit. President Flaws will contact her.

REVISIT REQUEST TO DONATE MONIES FROM THE WALES COMMUNITY FUND TO THE WALES/GENESEE FIRE DEPARTMENT

Late last year Trustee Gosa asked the Board for permission to donate some of the Wales Community Fund monies collected through the We Care program at Pick ‘n Save to the fire department to help pay for an exhaust system that was needed to vent the new ambulance. After the motion was made the Chief informed the Board that he was able to cover the cost of the system from the monies received from the sale of the old ambulance so Trustee Gosa would like to put the monies back in the fund as they are to be used for a specific purpose and not for operating costs.

Motion by Trustee Mayernick to rescind the prior motion allocating funds from the Wales Community Fund to the Wales/Genesee Fire Department and return them to the Community Fund, second by Trustee Gosa, passed.

DIRECT THE VILLAGE PRESIDENT TO SEND A LETTER TO TOWN BANK SETTING FORTH THE VILLAGE BOARD’S INTENTION TO INCLUDE AS PART OF THE FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT (“FDA”) FOR TENBY HARBOR, LLC AND MO, LLC A REVISION TO SECTION VIII.A. SO THAT THE LETTER OF CREDIT WILL BE EQUAL TO THE SUM OF ESTIMATED TOTAL CONSTRUCTION COSTS SET FORTH IN SECTION VIII.A, PLUS TWENTY-FIVE PERCENT (25%).

Motion by Trustee Lang to direct the Village President to send a letter to Town Bank setting forth the Village Board’s intention to include as part of the First Amendment to Planned Unit Development Agreement (“FDA”) FDA for Tenby Harbor, LLC and MO, LLC (collectively, “Owner”) a revision to Section VIII.A. of the FDA so that the Letter of Credit will be equal to the sum of estimated total construction cost of the Public Improvements, Additional Public Improvements, the Detention /Retention Ponds,

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Landscaping, and Fire Protection Tanks, plus twenty-five percent (25%); provided, however, such Village Board intention is conditioned upon, and shall not become effective until, it is included in, and the Village and the Owner first finalize, agree upon, and fully execute, a written First Amendment to FDA; provided further, however, if a First Amendment to the FDA is not so finalized, agreed to, or fully executed, the original FDA, including, but not limited to, Section VIII.A thereof, shall remain unchanged and continue in full force and effect, second by Trustee Orwig, passed.

The Village normally requires a 15% guarantee amount, but due to the Walgreen's insistence to not be held liable for certain improvements, etc., the amount was raised to 50% to protect the Village. As the above things are finalized, the 25% will be more than sufficient to cover the liability.

OPTIONS TO FUND ROAD REPAIRS AND PAVING FOR THE VILLAGE OF WALES, INCLUDING ISSUANCE OF BONDS

A number of options, including bonding, were discussed as solutions to help fund road repairs and paving projects for the Village of Wales. Trustee Lang contacted Ehlers and Associates and the State Investment Pool to get facts and figures. More research and discussion will need to be had on this matter. President Flaws will contact the Village Engineer to get an updated roads project plan.

REVIEW OF PARK BOARD VS. PARK COMMISSION DESIGNATION FOR THE VILLAGE OF WALES

Discussion regarding the need for a Park Board vs. a Park Commission occurred. There is some confusion on how we are interpreting the State Statutes and how our ordinance reads. This agenda item will be addressed at the next regular meeting. The Clerk will forward a copy of the Village's current ordinance to the Village Board members for their review and comment.

BILLS APPROVED FOR PAYMENT

Bills submitted for 2008 and 2009 expenses were approved on a motion by Trustee Gosa, second by Trustee Mayernick, passed.

Correspondence, Kettle Moraine School District minutes, Sheriff Department reports and miscellaneous files were submitted.

ADJOURNMENT

The Board adjourned at 8:38 p.m. on a motion by Trustee Orwig, second by Trustee Hemschik, passed.

Submitted by:
Gail E. Powell, Clerk