

Denmark Village Board Minutes

October 6, 2008

6:30 P.M.

Public Hearing on code(s) regarding sexual offender restrictions.

Village President Bob Goral called the Village Board to order and opened the public hearing on codes regarding sexual offender restrictions. Three different codes regarding sexual offender restrictions within the Village of Denmark have previously been presented and reviewed by the Village Board. The first code was modeled after the City of Green Bay ordinance and the second was modeled after the Village of Hobart. The third code was based on another community in which the focus is upon “loitering” within so many feet of areas in which children may be present. Previously, the Village Board felt the Green Bay code was likely to be legally challenged and that it might be difficult for a smaller community to administer with the provisions for an appeals board. The recent 3rd ordinance model appears to be more manageable or easier for law enforcement personnel to enforce.

Various citizens expressed their concerns about the current situation and the presence of a newly released offender.

Village President Goral closed the public hearing portion of the Village Board meeting after all those present had been presented the opportunity to express their concerns/opinions of the issue being presented.

Regular Agenda Items

Village President Bob Goral Called the Village Board meeting to order at 7:00 p.m. He indicated that the meeting will move into a closed session under WI Stat 19.85 (1) (f) (g) and (c) to discuss personnel matters later in the meeting. Present: Goral; Trustees: Dvorak, Wotachek, Duescher, Sekora, Radue. Absent: Steinberger and Attorney Dennis Duffy. Also present: MiLissa Stipe – Clerk/Treasurer, Attorney Bob Gagan, Jim Bielinski, Art Rademann, Lawrence Lacenski Gordon Ellis, Attorney James Kalny, Cathy Paquet, Kathy & Roger Stein, Roger LaCourt, Tony Klaubauf, Marian Vercauteren, Diane Giese, Norb Vandehey, Tom Konop and other citizens.

Approval of Minutes

Motion by Wotachek second by Dvorak to approve the minutes of the September 2, 2008 Village Board meeting. All ayes. Motion carried.

Presentation

Denmark School District Superintendent Tony Klaubauf appeared to discuss the upcoming school referendum on Nov. 4th in which voters will be asked to approve the exceedance of the State imposed levy limits. The School Board has asked voters for an additional \$2.4 million dollars over three years in a Nov. 4 referendum. (\$700,000 for the 2009-10 school years, \$800,000 for the 2010-11 school year and \$900,000 for the 2011-12 school years). In addition to that revenue, another \$600,000 would be needed to be cut from the budget over those three years. “As our population declines, we know we have to cut expenses,” Klaubauf reported.

Consideration of code(s) to regulate the location of sexual offenders within the Village of Denmark.

Three codes that utilize slightly different approaches to regulating the location of convicted sexual offenders being released within the community were reviewed/discussed. Comments made during the public hearing portion of this meeting were also pondered. Given the various concerns expressed and the Village’s interest in protecting citizens and making certain the ordinance would be able to be upheld in the event of a legal challenge, a motion was made by Trustee Dvorak, seconded by Trustee Radue to adopt the ordinance prohibiting offenders from residing within 1,500 feet of any school, licensed day care, park, trail, playground, place of worship or any place where children are known to congregate. It is also unlawful for property owners to rent property to certain sexual offenders. All ayes. Motion carried.

Tax Incremental District No. 1 Amendment

Phil Cosson of Ehlers-Public Finance Advisor, Brookfield, Wisconsin indicated the Village had convened a Joint Review Board to review the project plan amendment on September 15, 2008 and the Planning Committee had also met and reviewed the plan and concluded that the development/improvements would not occur without the use of TIF and the amendment of the TIF plan and that the project cost would be made outside of but within a one-half mile radius of the District. The Plan Committee approved the resolution approving the District amendment and the Project Plan amendment and recommended the Village Board adopt the resolution approving the amendment of the District under Section 66.1105 (4) (gm), Wisconsin Statutes. The TIF # 1 was created on Sept 4, 1990 and amended on Oct 9, 2006. On Sept 15, 2008 a public hearing concerning the amendment was held and the Plan Commission recommended the Project Plan Amendment be adopted. Motion by Trustee Dvorak second by Trustee Sekora that based upon the findings and the identified project cost the amendment being consistent with the purpose for which the District was created that the Resolution amending, describing and making certain findings and approving project plan amendment for Tax Incremental District No. 1 be adopted. All ayes. Motion carried.

Authorization for the Issuance of \$2,955,000 general obligation bonds

Phil Cosson of Ehlers-Public Finance Advisor reviewed the structuring of the projects to be financed and the timing of the scheduled borrowing and the projects to be included in the bonding.

Motion by Trustee Sekora, second by Trustee Dvorak to approve the initial resolution authorizing the borrowing of **\$1,060,000**. General Obligation bonds for Community Development projects in Tax Incremental District No. 1. All ayes. Motion carried.

Motion by Trustee Dvorak, second by Trustee Radue to approve the initial resolution authorizing the borrowing of **\$650,000** general obligation bonds for Water and Electric utility system projects. All ayes. Motion carried.

Motion by Trustee Duescher second by Trustee Dvorak to approve the initial resolution authorizing the borrowing of **\$340,000** general Obligation bonds for sewerage system improvements. All ayes. Motion carried.

Motion by Trustee Wotachek second by Trustee Dvorak to approve the initial resolution authorizing **\$260,000** general obligation bonds for Street Improvement projects. All ayes. Motion carried.

Motion by Trustee Radue second by Trustee Sekora to approve the initial resolution authorizing **\$645,000** general Obligation Refunding Bonds. All ayes. Motion carried.

Motion by Trustee Duescher, second by Trustee Dvorak to approve the resolution providing for the sale of **\$2,955,000** general obligation corporate purpose bonds. All ayes. Motion carried.

Presentation by Norsemen Snowmobile Club.

Members of the snowmobile club indicated that "in the future" they would like to construct a 40 X 60 foot building on the Village property located on Pine Street next to the Devils River State Recreation Trail. The club would store their trail groomer and other items within this structure. Norb Vandehey said he didn't believe that the trail would be fully open for another 3 to 5 years based upon a conversation he had with Manitowoc County park staff in which they said they needed approximately another \$800,000 to reconstruct two bridges and complete their portion of the trail.

Contract for Snow Removal Services for 2008/09

A proposal for snow removal was received from Dick's Lawn Care and another from Bielinski Excavating Inc. The trailshead parking area/road and Railroad Avenue with removal of snow bid was for \$552 each time. The parking lot (Susters, Hermans, Village, Insurance Co., D.J.'s area) and other parking areas on Village street was bid at \$70 an hour with approximately 4 hours estimated to complete the snow removal after each snowfall.

Motion by Trustee Dvorak, second by Trustee Sekora to accept the bid for both the general snow removal services and the trailhead snow removal service bid provided by Bielinski Excavating Inc for the 2008/2009 season. All ayes. Motion carried.

Contract for Assessing services for years 2010, 2011, and 2012

The Village-wide revaluation was successfully completed this year by Equitable Appraisal, Inc of Green Bay, WI. Equitable previously served for a 3 year period as the Village's contracted assessor. A proposal to continue as the Village's contracted assessor was presented for approval. Maintenance cost for 2010: \$11,000; for 2011: \$11,400 and for 2012: \$11,900. Motion by Trustee Dvorak seconded by Trustee Radue to approve the contract as presented. All ayes. Motion carried.

Ordinance to Create a Residential and Commercial Exterior Maintenance Code

A draft of an ordinance to set forth standard regulations pertaining to the exterior maintenance of residential and commercial properties within the Village of Denmark was presented. When property owners fail to maintain the exterior of their properties it can affect the physical, aesthetic and monetary values of the surrounding neighborhood properties negatively. A few properties may become so dilapidated, unsafe, dangerous, unhygienic or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. This ordinance was drafted to respond to concerns of this nature. There are at least a dozen existing properties which currently may have an adverse affect on the values of abutting or neighborhood properties. A few properties are not being kept free of debris and refuse or stored/unsightly items. The ordinance is being introduced for first review with the intent to adopt it at a future t Village Board meeting Motion by Trustee Wotachek, seconded by Trustee Sekora to refer the ordinance to the Planning Committee for review and comment. All ayes. Motion carried.

Resolution to approve the submittal of an Urban Forestry Grant application

A resolution requesting funding to provide training for tree pruning, small chain saw maintenance and updating the current Forestry Management Plan was presented. Motion by Trustee Dvorak, seconded by Trustee Duescher to approve the resolution as presented. All ayes. Motion carried.

2009 Budget Workshop: Tuesday, Oct 14th at 6 p.m.

Concerns had previously been expressed about how the budget process was "rushed" in the past. In an attempt to respond to this concern, preliminary budget information for 2009 was handed out to Trustees. This included a summary of the proposed Village operational budget. This first draft reflects revenue estimates of \$916,223.25 and projected expenditures of \$947,392.33. A budget hearing has been scheduled for November 3rd at 6:30 p.m. The Board will need to review this first draft and revise it to include or exclude certain items and bring it into balance prior to the public hearing. Line item account balances were also distributed with year to date expenditure information.

The Sewer Utility Fund budget for 2009 draft was distributed with revenues estimated at \$952,545.00 and expenditures projected at \$1,027,545.00. This budget will also need to be revised, priorities established and brought into balance prior to the November meeting.

The proposed Water Utility budget for 2009 draft was distributed with revenues and expenditures estimated at \$507,180.00 This budget draft was based upon a pending PSC petition for a rate increase to cover the new debt service associated with the replacement of the iron filter tank at Well # 2 at Grand Ave. (\$1.3 million).

Therefore the budget is tentative at present and will need to be reviewed/revised if necessary prior to the November Board meeting at which time it will be adopted.

Rescue Service Contract for 2009 services (9:00 p.m.)

A contract for rescue services was presented for the year 2009 for an amount of \$15,735.00. The Board also received a written response to the earlier list of questions that VCRS was requested to review, address and provide a satisfactory response to each item of concern.(21 items). Under the past contract language the Village needs to provide a 60 day notice of renewal/non-renewal. Motion by Trustee Sekora, seconded by Trustee

Dvorak to notify VCRS that the Village currently does not intend to renew or extent the contract for services. Ayes: Sekora, Dvorak, Duescher, Radue, Wotachek, Nay: Goral. Motion carried.

Resolution for Installation of Stop signs at intersection of Oak Street and Woodrow St.

Trustee Wotachek, Chairperson of the Law Enforcement Committee informed the Board that this request was received, reviewed and a recommendation agreed upon at a previous Law Enforcement Committee meeting. In order to protect the safety of pedestrians walking along the sides of this wide street, without necessitating the installation of sidewalks, the committee recommended that a traffic calming mechanism would be needed. A stop sign was thought to be a means of slowing down traffic and creating a safer area for pedestrians along the sides of the roadway. Motion by Trustee Duescher, seconded by Trustee Sekora to refer this matter to the Ad Hoc Bike and Pedestrian Study Committee. Ayes: Duescher, Goral, Sekora, Dvorak. Nay: Wotachek, Radue. Motion carried.

Approval of License Applications

Clerk-Treasure MiLissa Stipe reported that an application for an operator license for Jessie Rolfe was received. Motion by Dvorak, second by Duescher to approve the application. All ayes. Motion carried.

Committee Reports

Each Trustee reported on the various activities occurring within areas of the Village.

Village President Goral announced the resignation of Linda Pelishek from the Zoning Board of Appeals.

Motion by Goral to accept the resignation, seconded by Trustee Dvorak All ayes. Motion carried. President Goral recommended the appointment of Helen Mleziva to the Zoning Board of Appeals seconded by Dvorak. All ayes. Motion carried.

Trustee Dvorak reported that staff at the wastewater plant had ordered and received the materials for the walkway across the chlorine contact tanks and staff is to be complimented for what they are getting done. A request for reconsideration of the residency issue for the position at the wastewater utility was made. A safety shower and eye wash for the area near the Ferric Sulfate room has been ordered. An exceedance occurred on Sept 30th that required discussions with the DNR and may require future monitoring at the location at which the spill possibly occurred.

Disbursements for Month of September

Motion by Trustee Ryan Radue, seconded by Duescher to approve the disbursements for a total voucher amount of \$136,786.44 for voucher numbers 33263 to 33356. Village \$41,506.74, Water \$14,889.12, Sewer: \$65,725.77, Storm Sewer: \$1,290.00 and TIF: \$13,374.81 All ayes. Motion carried.

Comments from the Public 9:45 p.m.

Jim Bielinski said the Village needs to trim trees near cross-walks to make the signs more visible. He also asked when the Village was going to issue a raise order for the property at Green Bay Rd and Woodrow St. Administrator Ellis said that he would speak to the Building Inspector and direct him to take appropriate action.

Report of Village Officials

Nothing was reported at this time.

Closed Session 9:48 p.m.

Motion by Trustee Radue seconded by Trustee Duescher to convene into closed session pursuant to Section 19.85 (1) (f), (g) and (c) to confer with the Village Attorney concerning personnel matters. All ayes. Motion carried.

Motion by Trustee Sekora seconded by Trustee Dvorak to move back into open session. All ayes. Motion carried.

It was reported that a monthly “generalized staff report” by the Administrator be added to future agendas which would keep the Board informed about staff training and issues raised/discussed during routine internal staff meetings. A “policies on chain of command” will be drafted and distributed in the future.

Adjourn

Motion to adjourn by Trustee Sekora, second by Trustee Dvorak. The meeting adjourned at 10:15 p.m.

MiLissa Stipe
Clerk-Treasurer