

**EAST TROY
VILLAGE BOARD MINUTES
November 16, 2020
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Call Meeting to Order; Pledge of Allegiance

Administrator Suhm verified the meeting was posted according to law.

Roll Call:

President Seager called the meeting to order at 6:30 p.m.

Present: President Scott Seager, Trustees John Alexander, Alexander Alger, Alan Boyes, Mary Nugent, Matt Johnson and Forty Renucci

Others: Chief Swendrowski, DPW Director Equitz, Administrator Suhm, Attorney Pruitt

All Attendees were Remote Via Zoom

Citizen Participation

Steve Kuhl, 2905 North Shore Drive. Discussed the fire that occurred in the impound area on November 5 at about 1:00 a.m. He stated he already sent a note to the Village Board about it. The area that burnt went from his property east towards Highway 120. He urged the Board to address the dam and impoundment area, stating he believes it is a health and safety issue.

Val Aide, 3051 South Street. Stated she received a copy of Mr. Kuhl's letter to the DNR regarding the fire on November 5. She reviewed her prior attendance at board meetings regarding the cattails and weeds in the impoundment area and requested something be done because she believes it is a safety hazard.

Consent Agenda

- 1. Approval Minutes – 10/19/20**
- 2. Operator's Licenses issued July – October – see attached list**

Motion by Trustee Alexander, second by Trustee Johnson, to approve the consent agenda.
Motion carried.

Miscellaneous Business

- 1. Special Assessments against benefitted properties for the Clayton & Bellview Avenues Reconstruction project (all properties abutting Clayton and Bellview Avenues between Chafin and Lenk Avenues)**
 - a. Public Hearing on proposed special assessments for sanitary sewer laterals, curbs/gutters, sidewalk approaches, and/or driveway approaches**

John Merath, 3063 Clayton Avenue. Questioned the measurements for his property related to curb and gutter. He measured and believes the measurement used in the assessment calculation was too high. Two of his driveway approach sections were replaced and he had been told it would be identical to what was there except for new concrete. He wanted it to be jointed concrete, but it was replaced with saw-cut concrete. He has concerns they have a sharp edge on top and will chip with time. DPW Equitz stated he will take pictures and address this matter. Mr. Merath also stated when they backfilled after the work was complete it looked nice until they used high-pressure spray to apply grass seed, which created crevices and gullies in the dirt. DPW Equitz explained the Village has a year to address issues like this under warranty work. Mr. Merath compared the finished road to a recent road project on Highway 120 and 36 towards Lake Geneva,

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stating that appeared to have a finished smooth surface. It appears both layers were the same on this project and he questioned whether the asphalt was hot enough.

Melissa Hayes, speaking on behalf of her parents George & Lorraine Lucas, 2078 Bellview. Stated they would like to contest the measurements for their property. She also stated her parents were charged for asphalt as well as concrete approaches and they do not have asphalt on their driveway. She will contact Village staff to contest the charges. They also questioned why property taxes are not paying for this project. It was explained by DPW Equitz explained that sewer laterals are considered private property. They are replaced with street projects so it is not necessary to excavate the new street for replacements that occur after the project is complete. Engineer Lynch explained assessments are established as part of Village ordinance and state law regarding how capital projects are paid for by property taxes and benefitted properties. A large portion of the project was paid by Village funds, there is a certain portion of the project that was assessed.

Renee Kelter, 3043 Clayton Avenue. Questioned why she had to pay so much for the new sidewalk from McPherson, stating she was told that would be paid for. She was referring to the private walk from the curb towards the house. DPW Equitz explained during planning conversations she had indicated she wanted it replaced with the same stamped concrete. McPherson was brought in to match the stamping. It was clarified the Village would not pay for the walk because it is a private walk to her front door. She expressed the same concerns as Mr. Merath regarding the saw-cut joints on the driveway approach and the damage to the backfill that occurred with the sprayed grass seed.

DPW Equitz explained the Village has one year from substantial completion, which was November 2020, to address issues. He and the engineers will do a walk through to determine if there are issues that need to be fixed. DPW Equitz also explained the grass would be addressed next year due to how late in the season we are.

With no further comments, President Seager closed the public hearing at 7:06 p.m.

b. Final Resolution 2020-14 levying special assessments against benefitted properties for sanitary sewer laterals, curbs/gutters, sidewalk approaches, and/or driveway approaches improvements in conjunction with the Clayton & Bellview Avenues Reconstruction project pursuant to section 66.0703 of the Wisconsin Statutes

DPW Equitz stated he would like everything in the assessments reviewed to assure quantities are correct. If there are modifications, Engineer Lynch will need to send a revised engineering report.

Motion by President Seager, second by Trustee Johnson, to accept Resolution 2020-14 with the contingency allowing for possible changes to measurements and quantities. Motion carried.

2. Consideration of recommendations from Plan Commission related to 2919 Main Street, Jeff McKone, applicant

Attorney Pruitt provided clarification regarding the legal changes pertaining to conditional uses.

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a. Recommendation to approve razing existing building in the Downtown District for a potential redevelopment project

Motion by Trustee Johnson, second by Trustee Alexander, to approve the conditional use subject to the terms and conditions the staff report; prior to demolition petitioner submits an application for a new building and obtains all approvals required and demolition starts within 9 months of this date and commences in good faith to completion and construction, as approved by the Village, starts within 18 months. Motion carried.

b. Recommendation from Plan Commission to approve a Conditional Use for a restaurant in the Downtown District located at 2919 Main Street

Motion by President Seager, second by Trustee Johnson, to approve the conditional use. Motion carried.

3. Consideration of recommendation from Plan Commission to approve a Conditional Use for a truck stop located on the east side of CTH ES, Kwik Trip, Inc.

Motion by Trustee Johnson, second by Trustee Boyes, to approve the conditional use permit.

Trustee Renucci questioned whether the Village should receive proof in writing that Walworth County found the traffic circulation and two access points on Highway ES acceptable. Troy Mleziva from Kwik Trip was present and discussed this was a condition of the site plan approval, which was confirmed during the meeting.

Motion carried.

4. Consideration of/Discussion related to bicycle and pedestrian facilities within Village limits to be done in conjunction with the Highway 20 Rehabilitation Projection (Project boundary is Thomas Drive to Honey Creek Road).

Julie Jenks, WisDOT Southeast Region Project Manager, stated the construction project is planned for 2024. The section of the project that applies to the Village spans from approximately Edwards Street to County Trunk L. The last time the DOT discussed accommodations with the Village was 2015 so she wanted to discuss current Village plans for accommodations. A multi-use path is not possible because there is not enough space in the right-of-way. Due to changes in the law they cannot condemn for a multi-use trail. A standard sidewalk is five or six feet depending on how big the terrace area is. Board members expressed a preference to see the sidewalks on the north side of Highway 20. Ms. Jenks stated a portion is within Town of East Troy jurisdiction, from the railroad to Highway ES. The Town communicated with the DOT they do not want sidewalks in that section on the north side. Discussed the preference for the north side to continue the existing sidewalk. This would require a crosswalk at Highway ES and 20. Ms. Jenks explained if they end the sidewalk at an intersection there needs to be a companion ramp on the other side.

DPW Equitz stated he would like to see the sidewalk on the north side of Highway ES that currently terminates at the bank, extended to the intersection when this project occurs.

Extending the sidewalk east of Highway ES was discussed with Ms. Jenks. She questioned if there are future plans for that area. Board members discussed the desire to see a connection to the airport. The Village would be responsible for extending the sidewalk on County Trunk L from Highway 20 to the airport. Ms. Jenks said she will check into this portion of the project. Although it is not an urban area, she understands it is a destination.

Board members also discussed with Ms. Jenks the vacant property on the southeast corner of the Highway 20 and Highway ES intersection and the potential for future development. Discussed

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that if there are companion ramps on three of the intersection corners it would make sense to add one to the fourth corner.

General details of the project were discussed. This included the installation of new signals at the intersection with crosswalks and pedestrian accommodations. Ms. Jenks will verify the type of signals and pedestrian accommodations. The four-lane section will be a pavement replacement and islands will be laid out similar. She stated the turn lane on Highway 20 to turn south on Highway ES will need to be lengthened about 75 feet with this project. The need for an updated traffic study was also discussed with the addition of Kwik Trip and LD's and potential increased traffic since the last study was performed. Curb and gutter will be added to sections with a sidewalk, on the north side if that is where the sidewalk will be. In this case, the south side will remain ditch line. DPW Equitz reminded Ms. Jenks the Village would like to perform utility work in conjunction with this project. She will confirm with DPW Equitz when the packet comes out for this planning. She believes it may be late 2021.

Discussing the timeline, Ms. Jenks stated the highway will probably be torn up most of the construction year, early spring until fall. A complete detour will be necessary where the road is not four lanes, from approximately the railroad to Thomas Drive. There will be time constraints on the contractor to expedite the section where a complete detour is necessary. There will be more leeway in the four-lane section.

5. 2021 Budget

a. Presentation

Administrator Suhm reviewed the budget presentation provided in the packet materials.

b. Public Hearing on 2021 Budget

President Seager opened the public hearing. It was closed with no comments made.

c. Ordinance 2020-14 - 2021 Budget/Levy

Motion by Trustee Johnson, second by Trustee Alexander, to approve Ordinance 2020-14. Motion carried.

6. Consideration of 2020 Budget Amendments and Discussion Regarding Financial Updates

Motion by Trustee Alexander, second by Trustee Nugent, to approve the budget amendments in the memo dated 11/9/20. Motion carried.

7. Consideration of proposed process to prequalify bidders (draft ordinance and form)

Attorney Pruitt reviewed the process and the requirement this be done by ordinance. As the appeal process was discussed, there were questions related to timing of an appeal and whether this hinders responses. Attorney Pruitt and DPW Equitz will review these questions and bring this back to the Board.

Reports

1. October Financial Statement

2. Verbal Update on Code Enforcement Issues (no packet materials)

Chief Swendrowski reviewed compliance issues at 2954 Main Street. He reported fines are up to approximately \$100,000. The owner has not responded to communication from the Village. The Judge does not issue commitments for warrants and fines will be sent to a state collection agency. He also updated the Board on the property located at the corner of Highway 20 and

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Division Street. The owner did not respond to citations and the Code Enforcement Officer reached out to him. He stated he has had difficulty completing the project due to COVID but plans to complete it in spring and sell the property. Board members discussed the length of time the roof has not been complete. According to Google images the scaffolding was erected for the project in the 2007 image and in the next image available, 2012 the project was well underway.

3. **Phosphorus Final Compliance Plan**
4. **Airport Managers Quarterly Report**
5. **Airport Advisory Committee Minutes – 10/12/2020**
6. **ETAESD Minutes – 09/15/2020**
7. **Draft Plan Commission Minutes – 11/9/2020**

Closed session

Adjourn to closed session pursuant to Wis. Stats. 19.85(1)(f) considering social or personal histories of specific persons, which if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations (Operator's License)

Motion by President Seager, second by Trustee Johnson, to move to closed session pursuant to Wis. Stats. 19.85(1)(f) Considering social or personal histories of specific persons, which if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations (Operator's License)

Motion carried on a roll call vote.

President Seager	Y
Trustee Alexander	Y
Trustee Alger	Y
Trustee Boyes	Y
Trustee Johnson	Y
Trustee Nugent	Y
Trustee Renucci	Y

Closed session discussion occurred.

Motion Trustee Johnson, second by Trustee Boyes, to reconvene in open session. Motion carried.

Reconvene in Open Session

Possible action on closed session matters

Motion by Trustee Johnson, second by Trustee Alexander, to deny the operator's license based on untruthful application. Motion carried.

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Acceptance of Trustee Boyes resignation

President Seager thanked Trustee Boyes for his service and expressed his disappointment to see him leave. Trustee Boyes stated the Village is a great place to live and recognized staff as well as the Board.

Motion by President Seager, second by Trustee Alger, to formally accept Trustee Al Boyes resignation with the Village of East Troy. Motion carried with Trustee Boyes abstaining.

Adjourn

Motion by President Seager, second by Trustee Johnson, to adjourn at 8:59 p.m. Motion carried.

**SPECIAL EAST TROY VILLAGE BOARD MEETING
November 16, 2020
*Immediately following conclusion of Regular meeting***

President Seager called the special meeting to order at 8:59 p.m.

Present: President Scott Seager, Trustees John Alexander, Alexander Alger, Mary Nugent, Matt Johnson and Forty Renucci

Others: Chief Swendrowski, Administrator Suhm, Attorney Pruitt

Miscellaneous Business

1. Consideration/Direction to Staff to fill vacancy on Village Board due to the Resignation of Trustee Boyes (term ends April 2022)

Administrator Suhm reviewed options to fill the vacant position from her memo, stating the timing was important because the notice of Spring Election will be published this Friday and needed to be submitted to the paper by tomorrow morning.

President Seger stated he felt this was a similar situation to when Trustee Ann Zess left the Board. That position was left open until the Spring Election. He stated he felt the decision should be left to the electors.

Motion by Trustee Alexander, second by Trustee Alger, to leave the position on the Board vacant until the election is held in April. Motion carried.

Adjourn

Motion by Trustee Alger, second by Trustee Johnson, to adjourn at 9:03 p.m. Motion carried.

Respectfully Submitted,

Eileen Suhm
Administrator/Deputy Clerk