

Village Board Meeting
December 14, 2015

Call to Order: The meeting was called to order at 7:06 p.m. by President Boehnlein.

Roll Call of Officers: Officers present were President Vickie Boehnlein, Trustees Pete Anzia, Dale Pfeifer, Josh Borden, Wayne Lambrecht, and Clem Gottsacker. A quorum was established. Also in attendance were Village Attorney Gerry Antoine, Treasurer/Deputy Clerk Kelly Brinkman, DPW/Water Superintendent Dan Birenbaum, Wastewater Superintendent Paul Bley, and Deputy Marshal Leon Anzia.

Open Meeting Law Compliance Check: This meeting is in compliance with the Open Meetings Law of the State of Wisconsin.

Pledge of Allegiance to the American Flag, Moment of Silence: All in attendance stood for the Pledge of Allegiance and moment of silence.

Public Input (2 Minutes/Person – 10 Minutes Total Time) – Plan Commission member, Don Gotcher, verified that Silver Beach Road project was on hold until the Main Street project was completed, and inquired as to where truck traffic would be detoured to during the Main Street reconstruction. President Boehnlein and DPW Superintendent Birenbaum verified that a detour would be set up by the company performing the road work. Gotcher then inquired if the trucking companies having deliveries in the village during the Main Street reconstruction would be notified. Boehnlein stated that it would not be possible to know who is making truck deliveries during the construction phase. There would be no problem sending a notice to the companies in the industrial park outlining the detour route(s). Gotcher then asked if the Village was not going to proceed with the Silver Beach Road project at all. Boehnlein informed him that there was a significant change in the amount of funds we thought were available for the project, which would mean taking more loans and increasing taxes significantly. The Village also may not be able to do all parts of the Main Street project if the Silver Beach Road project was done prior to Main Street. Additionally there are issues with acquiring the property needed for the Silver Beach Road project, so the decision was made to postpone the Silver Beach Road project until the Main Street reconstruction was finished, and then readdress the Silver Beach Road project at that time. Gotcher then inquired if burying the utilities would be the first part of the Main Street reconstruction in 2018 or if that phase of the project would start before 2018. Boehnlein stated that had not been formalized or voted on by the Village Board; only conversations have taken place. Additionally, final costs for doing so won't be available until the Main Street project is at a certain point. Gotcher questioned if the Tree Committee was going to be continued, to which Boehnlein responded that would be addressed shortly in the board meeting.

Consent Agenda Items: A motion was made by Boehnlein and seconded by Pfeifer to approve the consent agenda items. Ayes – Anzia, Boehnlein, Pfeifer, Borden, Gottsacker, Lambrecht; Noes – none; Abstain – none. Motion carried.

- Approval of Minutes
 - Village Board – November 9, 2015
 - Special Village Board – November 12, 2015
- Finances
 - Approve Membership Renewal - Ozaukee County Tourism - \$100.00 - Budgeted
 - Approve Payment of Bills

Unfinished Business:

- a. **Approve Payment of Sewer Department's 2016 Ford F250 – Approved by Village Board on 10/12/15 with Cost Not to Exceed \$35,000 – Monies to Come From Sewer Truck Sinking Fund and Proceeds of Sale of Existing Sewer Department Truck** – Trustee Borden stated that the Public Utilities Committee recommended replacing the old Dodge Truck at cost not to exceed the \$35,000 budgeted for this. The committee additionally decided to allow Wastewater Superintendent Bley to choose the truck and crane he saw fit. Bley commented that the new truck and crane would come to approximately \$32,000 and that Borden had referred him to co-worker who could direct Bley on how to purchase through a State of Wisconsin consortium, saving the Village of Belgium a significant amount of money on the purchase of the truck. A motion was made by Anzia and seconded by Borden to approve the purchase of the F250 not to exceed \$35,000. Ayes – Anzia, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.

- b. **Update on Silver Beach Road and Stormwater Pond Project** – President Boehnlein requested update on Silver Beach Road and Stormwater Pond Project to address Village Board questions which would go to Public Works Committee to discuss and decide if they want to make any recommendations. It had been recommended that letters be sent to property owners the Village has been negotiating with thus far, to update them on the project's status. Another item discussed was if Village Board would want to make final offers to property owners before the project is postponed permanently to save Village from having to get future reappraisals again. Village Engineer, Matt Greely with McMahon, was contacted by railroad commissioner and the railroad has agreed to allow Village to postpone the railroad crossing portion of the project, but wants to know an approximate date Village would restart project. It is currently unknown that if project is postponed 4-5 years for example, if Village would have to start process with railroad over. And if that ends up being the case, the Village Board may want to consider doing the railroad crossing at this time. Additionally if the railroad allows crossing to be installed without the road portion of project, would the Village be able to do so without the mechanical arms, which are a large portion of the cost. Another item the Public Works Committee would need to discuss is if a different location for stormwater pond should be explored. There are some TIF funds available if we want to pursue that option. The Village Engineer also inquired about how much further we want them to take engineering on this project. Matt wouldn't hold us to contract if project is postponed, but stated there are benefits to getting the engineering for the road or stormwater pond now, so it doesn't have to be readdressed later. Trustee Pfeifer commented that he thought we were only having an issue with one property owner in regards to land acquisition. Boehnlein stated that the Village has not received any formal responses to accept the offers to purchase from any of the property owners to date. Trustee Gottsacker stated the issue was in regards to the stormwater pond area. The engineer has stated that there are other options for placement of the stormwater pond, but they are not the best options. No action was taken.

New Business:

- a. **Filling of Vacant Trustee Position** – Attorney Gerry Antoine stated that the Village Board has three options to fill the vacant trustee position: do nothing and leave seat vacant, appoint someone to fill the rest of the seat's term, or appoint someone to fill seat until a special election is held in April. President Boehnlein had resident Andy Ohlson who showed interest in serving on the board. Mr. Ohlson introduced himself and stated he moved to Belgium from Ashippun with his family in early 2014. He has been in banking with BMO Harris for 8 years, and while living in Ashippun, attended monthly Town Board meetings and served on the Planning Commission before moving to Belgium. He heard about the opportunity to be a part of the Village Board and came to the meeting because he really would love to get involved and be a part of it. Boehnlein stated position was posted in Press, and she had a few other people express interest. However, when asked to give written notice of interest, none of them got back to her. Trustee Gottsacker commented that leaving trustee position open also affects committees' work. Trustee Borden made a motion to appoint Andy Ohlson to the full term which expires in April 2017. Anzia seconded the motion. Ayes – Anzia, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried. Ohlson was sworn in by Treasurer/Deputy Clerk Brinkmen, and seated on board.
- b. **Discussion and Possible Action Regarding Committee Appointments** – For ease until after the April election, a motion was made by President Boehnlein that in the standing committees, which include Finance & Personnel, Public Safety, Public Services, Public Utilities, Public works, and Parks, Recreation & Forestry, she would take over former President Howells' positions and Trustee Ohlson would take over Boehnlein's former positions. Gottsacker seconded the motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- In regards to non-standing committees, a motion was made by President Boehnlein to disband the Village Hall Committee, appoint Trustee Anzia as chairman of the Main Street Committee, Don Gotcher as chairman of the Tree Committee with all other appointments remaining the same with exception of President Boehnlein taking over former President Howells' seats in Board of Review, Belgium Plan Commission, Development Review/General Ad Hoc Committee, Park Ad Hoc Committee, and TIF Ad Hoc Committee, while Ohlson again assumes Boehnlein's former seats in the same. Gottsacker seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- c. **Approve Appointment of Election Inspectors for the 2016 – 2017 Term** – A motion was made by President Boehnlein to approve the appointment of the 2016 – 2017 election inspectors as noted. Gottsacker seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.

- d. **Approve Purchase of Playground Equipment for Heritage Park not to Exceed Budgeted Amount of \$30,000 to be Installed by Vendor, Lee Recreation LLC** – Trustee Anzia commented that the playground equipment will come in slightly under budget, with installation to be done by vendor for liability reasons. Birenbaum noted that there will be fiber wood chips under and around playground equipment area. Anzia added that a frame will also be installed around the chips for ease of grass mowing and keeping chips in area. A motion was made by President Boehnlein to approve purchase of playground equipment for Heritage Park not to exceed budgeted amount of \$30,000. Anzia seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- e. **Approve Storm Water Lateral Installation at 514 Main St – Village Portion \$891.50 – Resident Portion \$1,000 Without Restoration - \$1,200 With Restoration – Village Portion to be Paid out of Storm Sewer Budget** – Birenbaum stated with wet weather, sump pump at 514 Main St runs continuously and over the neighbor's driveway which is downhill. Over time, this will destroy the neighbor's driveway. A temporary drainage to the road over the sidewalk with a ramp and cones has been put in place. Birenbaum requested approval to stub in a storm water lateral for \$891.50, and meet with resident at 514 Main St regarding portion from easement to sump pump outlet, which would be at owner's expense. President Boehnlein said that work could be approved to be done this year if weather holds and if resident agrees. If resident does not agree, the board will have to readdress what to do next as it is against ordinance to have sump pump discharge water into a neighboring property. Boehnlein continued that owner has been desperately trying to avoid it, but no matter the position of the discharge hose, water continues to flow into neighbor's yard. Birenbaum affirmed that the water lateral at 514 Main St was checked for a water leak, however no leak was found. The sump pump is pumping ground water that was previously leaking in to the sanitary sewer lateral, which was replaced in 2012. Trustee Borden inquired if it was typical of municipalities to pay some of the cost for the homeowner to hook up to storm water laterals. Birenbaum clarified that it is indeed typical for a municipality to pay for the stub-in through the easement to the lot line. Birenbaum continued to state that the Main St storm water laterals are part of the Main Street reconstruction project phase, but because of the severe drainage issue at this property, we have to address it prior to the reconstruction phase. Boehnlein made a motion to approve the storm water lateral installation at 514 Main St not to exceed \$900.00. Gottsacker seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- f. **Approve Agreement for Professional Services with McMahon Engineers & Architects for Preliminary Design of New Luxembourg Sanitary Sewer Lift Station #6** – President Boehnlein stated in a meeting with Ehlers & Associates, she was informed the TIF district restricts new expenses after September 2017. Funds for Lift Station (L.S.) #6 are available in TIF Fund's 2016 budget. If Village waits too long, those funds will no longer be available for the project. Attorney Antoine added that the restated TIF Development Agreement requires the Village of Belgium to install L.S. #6 once the New Luxembourg Development reaches a certain point. Birenbaum indicated that the development of housing on the north side of Peter Thein Ave will put the Village over the contracted development point. Boehnlein offered that Village could wait to start project. But, if board makes the mistake of waiting too long, the Village will still be obligated to install L.S. #6, but the costs will not be able to be paid by the TIF Fund. Boehnlein added that the housing on the north side of Peter Thein Ave is currently scheduled to be built in 2016, and the \$7,000 agreement with McMahon for the design of L.S. #6 is all TIF eligible. The entire L.S. #6 project will cost approximately \$230,000. Maureen Schiel with Ehlers & Associates noted that \$222,000 is in the 2016 TIF budget for L.S. #6. A motion was made by Trustee Pfeifer to approve the agreement for professional services with McMahon Engineers & Architects for the preliminary design of New Luxembourg sanitary sewer L.S. #6. Gottsacker seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- g. **Approve Proposed 2016 TIF Budget** – Maureen Schiel with Ehlers & Associates went over the 2016 TIF budget as well as financing options available for the Silver Beach Road railroad crossing should Village decide to proceed with that work. It was stated that there is an "Other Capital Amount" of \$45,000 listed in budget, which Boehnlein noted was the TIF funds available for applying to Silver Beach Road railroad crossing or storm water pond engineering costs if Board decides to proceed with that part of the project. Trustee Lambrecht inquired if the \$45,000 could be used toward the purchase of property for the Silver Beach Road project. Schiel to verify if that would be feasible and will get back on it. Schiel also went over two financing options for the railroad crossing project and the impact on the tax levy each option would generate, should the Village decide to proceed with that part of the Silver Beach Road project. Motion was made by Boehnlein to approve the proposed 2016 TIF budget. Lambrecht seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.

- h. **Approve Proposed 2016 Water Fund Budget** – There were no questions regarding the water fund budget. Birenbaum noted some significant items: The water utility has to rehabilitate Well #2, and \$30,000 was budgeted for that project. The water utility also needs to change the chemical used for sequestering iron in the water. It was estimated that the cost for changing the chemical feed pumps would be \$10,000 to \$12,000. The main reason that change needs to happen is our current chemical adds phosphorus to the water, which the waste water treatment plant later needs to remove due to federal regulations. A motion to approve the water fund budget for 2016 was made by Trustee Borden. Pfeifer seconded the motion. Ohlson commented that he would abstain from the vote as he has not yet seen the proposed budget. Ayes – Anzia, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – Ohlson. Motion carried.
- i. **Approve Proposed 2016 Sewer Fund Budget** – Waste water superintendent Bley commented that there are no significant changes to this year's sewer budget. There are continued expenses of approximately \$15,000 for McMahon to continue the mandated phosphorus study. A motion to approve the water fund budget for 2016 was made by Trustee Borden. Boehnlein seconded the motion. Ayes – Anzia, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – Ohlson. Motion carried.
- j. **Approve Resolution # 17-15 – Public Depositories for FY 2016** – Trustee Gottsacker made a motion to approve Resolution # 17-15 for Public Depositories for the Village of Belgium 2016. Lambrecht seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- k. **Approve Posting of Notices in Village Hall Posting Board Outside Front Doors and on Village's Internet Website in Accordance with 2015 Wisconsin ACT 79, as an Alternative to Posting in Three Public Places** – Treasurer/Deputy Clerk Brinkman indicated that 2015 ACT 79 allowed a change for posting legal notices, such as meeting agendas, in one location instead of three. It is required that any ordinances that impose a penalty or forfeiture continue to be posted in three locations. Brinkman is seeking permission from the board to post accordingly, adding that the intent is to have ordinances, resolutions, zoning changes, public hearings, election notices and all other items required by state statutes to continue to be posted in three locations. Brinkman noted that we actually post in five locations within the village: Village Hall, Website, BP Gas Station, Port Washington State Bank, and the Post Office. Boehnlein made a motion to approve posting of notices at Village Hall and on the website as an alternative to posting in three or more locations, except when required by law. Lambrecht seconded motion. Ayes – Anzia, Ohlson, Boehnlein, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.
- l. **Approve New Retail License Application – The Vortex Bar and Grill LLC** – President Boehnlein indicated that the Village currently has one regular "Class B" license due to the Community Center closing in July of this year. Attorney Antoine added state laws set a quota for retail licenses in municipalities. The Village of Belgium's quota is seven. A law created a split between Regular and Reserve "Class B" licenses. Reserve "Class B" licenses require a \$10,000 application fee. However, the Village provides an economic development grant of \$9,500 of that fee back to the applicant. The Village has a total of three Regular retail licenses and four Reserve retail licenses available. The three Regular retail licenses were held at the Belgium Community Center, Trax Side Pub, and Bic's Place. The Belgium Community Center closed and did not renew their Regular retail license. Antoine continued that if a Regular retail license is surrendered, it doesn't become a Reserve retail license. Thus the Village has one Regular retail license available. Currently Hobo's is the only location holding a Reserve retail license in the Village. Trustee Gottsacker mad a motion to approve a new Regular "Class B" beer and liquor license for Vortex Bar and Grill. Borden seconded motion. Ayes – Anzia, Ohlson, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – Boehnlein. Motion carried.
- m. **Approve New Operator's License – Mary Shapaker, Malorie Kappler** – A motion to approve a new operator's license for Mary Shapaker and Malorie Kappler was made by Trustee Gottsacker. Lambrecht seconded motion. Ayes – Anzia, Ohlson, Pfeifer, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – Boehnlein. Motion carried.
- n. **Room Tax Law Changes** – Attorney Antoine informed the board that State law changes were made in the last budget to further restrict use of room tax use by municipalities. Currently the Village can keep 30% of the room tax for general budget purposes. The other 70% must be spent on promotion of tourism that results in overnight stays. Until now the Village had discretion on how the 70% was spent. Starting January 1, 2017, the Village will be required to do one of two things with that 70% of room tax revenue: Turn it over to a Tourism Commission which would be appointed by the board, consisting of 4-6 members, one of whom must be the hotel proprietor, OR Turn the money over to a Tourism Entity. A Tourism Entity is defined as an entity that spends at least 51% of its revenue on promoting tourism with overnight stays, has staff devoted to that purpose, as well as some other

criteria. If the Village gives the money to a Tourism Commission, by law, they have to give it to a Tourism Entity. It was suggested that the Village cut out the middleman, as there's no point in having a Tourism Commission if it's going to end up going to a Tourism Entity anyway. The Village of Belgium currently does not have a Tourism Entity at this point. This would mean that Belgium would likely need to look at the Ozaukee Tourism Council as that entity. The Belgium Chamber of Commerce has stepped up and expressed interest in becoming a Tourism Entity. So the option will be out there, and this will have to be resolved before the end of 2016. The Village could enter into a contract with the Belgium Chamber of Commerce if they're willing to become that Tourism Entity. Then they would have to agree to meet the criteria to become that entity. The Village's options would be to forget about collecting room tax altogether, OR keep it in place. If kept in place, the Village will be able to keep the 30% in the general fund budget, but will have to do something by law with the 70%. President Boehnlein inquired about the 70% collected prior to the law change, asking if that would have to be handed over as well. Antoine commented that it's his understanding that the law only applies to revenues generate January 1, 2017 going forward. But any amount collected prior must still be spent according to law. The Village may choose to hand any pre-January 2017 revenues over to a Tourism Entity, but it is not required. Boehnlein stated that Jay Lauer (Belgium Chamber of Commerce president) expressed that the Chamber is definitely interested. But they are looking to the Village to confirm interest in that, because they will have to spend money to hire staff and make changes. Boehnlein continued that this is something that will have to be a cooperation going forward, and something that Finance & Personnel will have to explore in more detail. Gottsacker commented that he'd rather see the revenues go to the Chamber of Commerce as they have more interest in the local economy here.

President's Report: Report included in packet.

Chamber of Commerce Report: No one from Chamber present to give report.

Reports – Acceptance of Staff and Committee Reports: Parks, Recreation & Forestry Committee chairman, Trustee Anzia, reported that construction on the Bronco Storage Shed was started last week Monday, and as of today the sides are up and sheeted, and the roof is shingled. When it stops raining, Anzia stated it will probably be sided quickly. A motion was made by Boehnlein and seconded by Borden to accept all Staff and Committee Reports as listed below. Ayes – Anzia, Boehnlein, Pfeifer, Ohlson, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.

- a. **Ozaukee County Sheriff's Report**
- b. **Building Inspector's Report**
- c. **Fire Chief's Report**
- d. **Staff Reports**
 - Clerk
 - Treasurer
 - Administrative Assistant
- e. **Committee Reports**
 - Finance and Personnel – No report submitted
 - Public Safety – *Nothing to report*
 - Public Services – No report submitted
 - Public Works – No report submitted
 - DPW / Water Superintendent
 - Wastewater Superintendent
 - Marshal / Deputy Marshal
 - Parks, Recreation & Forestry – *Chair to prove update on Bronco Storage Shed*
 - Public Utilities – No report submitted
 - Village Hall – No report submitted (Disbanded as of VBM 12/14/2015)

Motion to Adjourn: A motion to adjourn at 8:26 pm was made by Boehnlein and seconded by Gottsacker. Ayes – Anzia, Boehnlein, Pfeifer, Ohlson, Borden, Lambrecht, Gottsacker; Noes – none; Abstain – none. Motion carried.

Respectfully submitted,

Kelly Brinkman
Village Treasurer/Deputy Clerk

Approved Village Board Meeting 01/11/2016