

**VILLAGE OF THIENSVILLE
COMMITTEE OF THE WHOLE
MINUTES**

DATE: Monday, October 5, 2020

LOCATION: 250 Elm Street
Thiensville, WI

TIME: 6:00 PM

I. CALL TO ORDER

President Mobley called the meeting to order at 6:01 PM.

II. ROLL CALL

President:	Van Mobley	
Trustees:	Jennifer Abraham	Rob Holyoke
	Angelina Apostolos	Ken Kucharski
	Kristina Eckert	David Lange
Administrator:	Colleen Landisch-Hansen	
Attorney:	Tim Schoonenberg	
Staff:	Director of Community Services/Public Works	Andy LaFond
	Fire Chief Brian Reiels	
	Police Chief Curt Kleppin	
	Village Clerk/Deputy Treasurer	Amy Langlois

III. BUSINESS

A. Review Capital Expenditures List

Administrator Landisch-Hansen shared one request from the Police Department for a CPU and software in the amount of \$2,500. This item was budgeted.

MOTION by Trustee Lange, **SECONDED** by Trustee Abraham to recommend to the Village Board to Approve the Capital Request from the Thiensville Police Department in the amount of \$2,500 for a CPU and Software. **MOTION CARRIED UNANIMOUSLY.**

B. Review and recommendation regarding Certificate of Recognition for Attaining Rank of Eagle Scout, Jack Wypiszynski, Boy Scout Troop #852

MOTION by Trustee Kucharski, **SECONDED** by Trustee Apostolos to recommend to the Village Board to approve the Certificate of Recognition for Attaining Rank of Eagle Scout, Jack Wypiszynski, Boy Scout Troop #852. **MOTION CARRIED UNANIMOUSLY.**

C. Review and recommendation regarding an Original Class "B" Beer and Class "B" Liquor License for Daily Taco, Jesse Daily, Agent, 105 West Freistadt Road

Jesse Daily shared that he and his wife Barkha Daily are planning to open Daily Taco at 105 West Freistadt Road. Daily Taco will be a Mexican restaurant with a full bar, indoor dining, an outdoor patio/tent area for the winter, a pick-up window and will also offer curbside pick-up.

Trustee Kucharski asked the Board to keep in mind that there may be an establishment in the new development that may request a liquor license. This is the only available liquor license that the Village has to offer. Trustee Kucharski suggested to offer Daily Taco a beer and wine license until it is known what will be in the new development. If in that time nothing is requested, then this can be revisited at the end of June when liquor licenses are renewed.

Trustee Eckert shared that if a liquor license is taken back after a restaurant opens, this may jeopardize the future of a restaurant.

Administrator Landisch-Hansen shared that a large increase in population would have to be added in order to obtain another liquor license. Licenses can be purchased from other municipalities. This is the only liquor license available due to Falafel Guys moving out of the Village.

Trustee Lange agrees that liquor licenses are valuable and that the Daily's have invested a lot in Thiensville. Trustee Holyoke agreed.

Trustee Apostolos agreed that the Daily's will do well. Trustee Abraham is in favor of granting this license.

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to recommend to the Village Board to approve the Original Class "B" Beer and Class "B" Liquor License for Daily Taco, Jesse Daily, Agent, 105 West Freistadt Road.

Ayes: Trustees Abraham, Apostolos, Eckert, Holyoke, Lange and President Mobley

Naes: None

Abstain: Trustee Kucharski

MOTION CARRIED.

D. Buntrock Water Main Update (Director LaFond)

Director of Community Services/Public Works Andy LaFond shared that there has been some inaction for some time. To date the main and the pressure reducing vault have been installed from Seminary Drive to Kieker Road, and the development on Orchard Street to the north side to the end of the new property have been pressure tested and clean water samples have been obtained from an independent laboratory. From the railroad tracks east to Main Street it was known that the sewer laterals were going to be in conflict elevation-wise so the choice of the design was to drill a little deeper. When they did that, they ran into sharp cobble and stone which could cause damage to the water main pipe if installed by boring.

At this point a new plan was needed. There were a couple options: to mobilize a specialized mock drill and use a pipe that is twice as thick to pull in with a possible change order of \$72,000 and the second option, which was chosen, to pay to relocate the sewer laterals and drill to the normal depth. This change order is about \$43,000.

In conjunction with this, the Village has been applying for a permit from the railroad for six months. This is a lengthy process. At this point on Buntrock Avenue there is a very wide right-of-way. When going under the railroad tracks you cannot only just put in the water pipe, you have to put it inside of a steel casing pipe. The price to put that in is \$800 per foot, and the railroad requires you to do seismic monitoring when installed. We had requested a variance to only do the casing under the tracks, however, apparently two years ago they switched the policy and want casing under the right-of-way from edge to edge. A permit would not be issued until the design was altered. As of Friday, a permit was obtained and now are just waiting to hear from the contractor as to when they can return to complete the work.

Because of the delays, they want us to waive the liquidated damages clause. Director LaFond does not want to do this because the work needs to be completed at some point, however, the clock can be restart with a new schedule. Ultimately, the City of Mequon pays for the additional costs.

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E. Discussion and recommendation regarding Black Walnut Tree, Bob and Tina Bichler,
112 Ellenbecker Road

Director LaFond shared that it was brought to his attention about a month ago by a contractor that a tree on Ellenbecker Road was obstructing the road due to the tree limb height. Upon an inspection of the tree, there is a branch at 13 feet off of the road surface that already has some damage. As well as the contractor contacting Director LaFond, Mr. Schmeckpepper who is building a new home at the end of Ellenbecker Road, had also contacted Director LaFond regarding the branch. Director LaFond shared that it was within his authority to raze and trim the branch for the safe passage and usability of the road. This road is also the Village's parcel.

Director LaFond shared with Mr. Schmeckpepper that the next course of action would be to send a letter to the owner of the tree, Mr. Robert J. Bichler. Mr. Schmeckpepper asked Director LaFond to wait with the letter as he hoped to take care of this in a neighborly way and asked Mr. Bichler if he could assist in removing the limb. Mr. Schmeckpepper contacted Mr. Bichler three times to try to work this out and also offered to pay \$1,000 for the inconvenience all with no success.

Director LaFond inquired with the contractor as to the height of trucks; concrete trucks and semi-trucks (the type of trucks used to move or build a building) are 13' 6". This was confirmed with other contractors as well. Director LaFond then sent a letter to Mr. Bichler on September 24, 2020. Village Ordinance states that it is the homeowner's responsibility to remove, however, in this case Director LaFond agreed to have the DPW remove the branch. Village Ordinance also states that either a 24 or 72 hour notice must be given. Director LaFond gave a two week notice in the letter. Mr. Bichler then contacted a couple Trustees regarding this.

It is the duty of the DPW to keep roads passable and safe and allow for residents to use for ingress and egress, stated Director LaFond. There is no sidewalk on this road. Before you this evening is an appeal/request from Mr. Bichler.

Mr. Bichler shared that he had received a certified letter on September 26, 2020 regarding a Black Walnut tree on his property from Director LaFond stating that the tree overhang is too low and none of the equipment will fit (delivery truck, fire truck) under the tree. Mr. Bichler stated that he has proof that every piece of Village equipment fits under the limb. The piece of equipment to pour the concrete basement for the new home exceeds 13'. Mr. Bichler stated that the damage that Director LaFond said is on the tree is from 15 years ago when some bark was removed by We Energies by mistake when their bucket was not down and scraped off the bark. There is no structural damage to the tree.

Mr. Bichler's contention is that every vehicle that has come up there has not hit the tree, and why should a limb be removed for one person. Mr. Bichler believes that removing the limb will eventually kill the tree.

Mr. Bichler also stated that the weight limit on this road is 5 ton and a loaded cement truck weights 33 ton. The last time a concrete truck was on this road it buckled.

Village Attorney Tim Schoonenberg stated that according to Village Ordinances, in this situation the Director of Public Works is the enforcement officer. Attorney Schoonenberg believes it good to discuss this in Open Session. It is the Village Board that has supervisory powers over the Director of Public Works. From a legal standpoint, the Ordinances have been followed and the Village has every right to remove the branch.

Mrs. Bichler stated that it has not been communicated with them as to where the branch will be cut and who will remove the branch or replace it if the tree dies.

Trustee Abraham shared that she had an 8"-10" branch from a Black Walnut cut off a few years ago and the tree has remained vital.

Director LaFond shared that trees are trimmed along the right-of-way in the Village by the DPW to improve the health of the tree, not to be detrimental to it and would like to work with the homeowner regarding where to trim the tree. Director LaFond does not have any intention of assessing the homeowner for this work.

Trustee Eckert appreciates the homeowner's love for their tree and stated that the trees sometimes need to be trimmed in order for them to thrive. Mr. Bichler stated that he planted this tree with his father 45 years ago, there is not one dead branch on this tree. After consulting with some arborists Mr. Bichler was informed that if the limb is cut at this time of year, the tree will bleed, go into shock and may kill the tree. The tree has to be dormant and the temperature below 32 degrees for this not to hurt the tree.

Attorney Schoonenberg stated that the Board has supervisory authority to instruct Director LaFond not to trim the tree. Unless the Board wishes to ask Director LaFond not to trim the tree, then the Board does not have to take any action.

Trustee Apostolos inquired if the Village bears any liability if a truck were damaged due to any action not taken by the Village i.e. removing a branch. Attorney Schoonenberg stated yes, potentially.

Trustee Kucharski agreed that the Bichler's provided some good evidence of other big trucks going under the limb and suggested lifting the branch to get a truck through. Trustee Kucharski is not an advocate of cutting healthy trees.

President Mobley shared that the authority has been given to Director LaFond to handle unless the Board feels as though they should intervene.

Director LaFond will look into the construction time schedule of the new home and consult with the Village arborist regarding the best time to trim the tree.

Trustee Holyoke urged Director LaFond to cut the branch as little as possible and to work with Mr. and Mrs. Bichler.

Mrs. Bichler finds it hard to believe that a contractor can come in and point out that this branch is too low when it has been there for years and now is an issue. Mr. Bichler then stated that the piece of equipment for the new residence is too large to get through and too large to travel on the freeway because it cannot clear bridges.

President Mobley stated that Director LaFond is the agent of the Village and will handle the tree limb trimming.

F. Discussion regarding Downtown Parking

President Mobley wanted to bring it to the attention of the Board that there has been some downtown congestion on Friday and Saturdays. To address this would require allotting some money or the Board can consider next year not renewing the lease for the parking lot leased to Mr. Mueller at 121 South Main Street and using this for public parking. This lot has about 15-16 spaces. It has been suggested to purchase a parcel from the railroad, however, that would require money. This may be another budget item to consider for capital improvements.

Director LaFond shared that at a previous Plan Commission meeting this topic was brought up as well. When the Code was written, it was recognized that the B-1 District does not fall within the strict regulations of the parking code as far as how many stalls they must have. This is at the discretion of the Plan Commission.

The cheel was before the Plan Commission in September with plans for a pavilion. Mr. Daily was asked to secure additional parking and was able to lease some space from Boucher for employee parking.

An internal parking study was performed which indicated the preference of parking in a lot over street parking. Private owners were encouraged to do more lighting and striping of their lots. The Police Department did a traffic count in 22 different parking lots/areas every Friday and Saturday at 5:30 PM and 7:30 PM for three weeks to see what the trends were. It was evident that people were not willing to walk more than 300 feet. Outside of that circle, there was parking.

G. Discussion and recommendation regarding Zoom, Village Board Meetings (Trustee Holyoke)

Trustee Holyoke would like Village Board meetings offered by Zoom through the end of year 2020.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski to Allow Zoom Meetings for Village Board Members Through the End of 2020

Discussion regarding Village Board meeting format was discussed.

The consensus of the Board was that the Board is more effective when meeting in person and all agreed to meet with safety measures in place.

Trustee Holyoke withdrew his motion.

NEXT RESOLUTION NUMBER:	2020-14
NEXT ORDINANCE NUMBER:	2020-05

V. **BUSINESS FROM THE FLOOR**

B. Citizens to be Heard

Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

V. **MISCELLANEOUS BUSINESS BY TRUSTEES AS MAY PROPERLY BE BROUGHT BEFORE THE BOARD**

- A. Inter-Governmental Committee with Mequon
- B. Use of 101 Green Bay Road, Old Village Hall & Fire Station
- C. Acceptance/Report of Gifts Received:
- D. Dialog with Mequon regarding water utility service
- E. Review meeting date schedule
 - October 19, 2020 - Board of Trustees at 6:00 PM
 - November 2, 2020 – Budget Public Hearing at 6:00 PM
 - November 2, 2020 - Committee of the Whole Immediately following Budget Public Hearing
 - November 16, 2020 - Board of Trustees at 6:00 PM

Trustee Kucharski inquired if Village dumpsters are only rented to Village residents and not to Village businesses. Current policy is that only residents living in single or two-family buildings in Thiensville are authorized to rent a dumpster from the Village. Director LaFond will look into the call.

Trustee Holyoke shared that the Ozaukee County Clean Sweep will be held on Saturday, October 31, 2020 from 8:00 AM until 12:00 PM. The fee is \$20 per vehicle.

VI. MOTION TO ADJOURN TO CLOSED SESSION

MOTION by Trustee Holyoke, **SECONDED** by Trustee Kucharski at 7:05 PM to adjourn to Closed Session pursuant to Chapter 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding wage negotiations and performance evaluation regarding Thiensville Professional Police Association and deliberating about the investment of public funds in future Village properties requiring a Closed Session due to the competitive nature and bargaining positions at risk if conducted in a public meeting. Such Closed Session is authorized pursuant to Wis. Stats. Article 19.85(1)(e).

1. Roll Call Vote

Ayes: Trustees Abraham, Apostolos, Eckert, Holyoke, Kucharski, Lange and President Mobley.

Naes: None

MOTION CARRIED.

MOTION TO RECONVENE IN OPEN SESSION

1. Vote of Board to reconvene
2. Review and possible action regarding Closed Session topics

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to reconvene into Open Session at 8:04 PM. **MOTION CARRIED UNANIMOUSLY.**

VII. ADJOURNMENT

MOTION by Trustee Holyoke, **SECONDED** by Trustee Apostolos to adjourn the meeting at 8:04 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Colleen Landisch-Hansen
Administrator