

## MINUTES OF VILLAGE BOARD MEETING

June 7, 2016

The meeting of the Village Board of the Village of Slinger was called to order by President Brandt at the Slinger Municipal Building located at 300 Slinger Road, Slinger, WI, at 6:00 p.m. on Tuesday, June 7, 2016, in accordance with the Notice of Meeting delivered to the members on Friday, June 3, 2016.

<b>1. Roll Call &amp; Notice of Meeting:</b>	<u>Present</u>	<u>Absent</u>
Russell Brandt, President	x	
Jeff Behrend	x	
Lee Fredericks	x	
Rick Gundrum		x (excused)
Rick Kohl	x	
Dean Otte	x	
Marlyss Thiel	x	
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	6	1

**Also Present:** Jessi Balcom, Village Administrator  
Jim Haggerty, Village Engineer  
Greg Moser, DPW Superintendent  
Joel Schodron, Lieutenant  
Tammy Tennes, Clerk

President Brandt informed the members present that the open meeting law had been complied with in connection with the meeting. Notice of the meeting was sent to all who requested same and posted in three public locations.

### 2. Consent Agenda

**A. Approval of Minutes from 5-16-2016**

**B. Vouchers**

**C. Committee Reports: Planning Commission 5-11-2016, Park Board 5-23-2016, Building Inspection Report May 2016**

Motion Kohl/Behrend to approve the Village Board minutes of 5-16-16, transmittal checks #44065-44067 in the amount of \$1880.65; pre-authorized checks #44068-44125 in the amount of \$117,385.23; On-line payments #160526001-160526071 in the amount of \$603,322.46 and payroll checks #160520001-160520043 in the amount of \$48,850.33 as presented. Motion passed.

### 3. Appearances & Possible Action Thereon:

**A. Open for Public Comments: None**

### 4. Unfinished Business & Action Thereon: None

### 5. New Business & Action Thereon:

**A. Resolutions: None**

**B. Licenses & Permits:**

#### 1. Bartender Licenses for:

Kyle Kasten	Thomas Kasten	Patrick Grady	Vanessa Damian
Tracy Samuel	Mary Beth Dubey	Christine Goetzke	Lawrence Wegner Jr.
Brandon Rohloff	Timothy Klitzman	Darcy Schmitt	Brittany Johnson
Melissa Malterer	Joseph Michalski	Pamela Steinle	Daisy Davison
Rebecca Schwai	Jonathan Schlicht	Kyla DeQuardo	Rebecca Gundrum
Cristina Kreuser	Tracey Frank	Stacie Koeppler	Shawn Cook
Naomi Spring	Kari Windisch	Stephany Martinez	Amanda Guenterberg
Debbie Miller	Mitch Gehring	Tammy Grade	Melissa Thies

<b>Kayla Erickson</b>	<b>Pamela Radschlag</b>	<b>Casandra Gurrola</b>	<b>Heather Schilling</b>
<b>Terri Smith</b>	<b>Stacey Burns</b>	<b>Eva Holinka</b>	<b>Jassi Steldt</b>
<b>Lakaecia Zamjahn</b>	<b>Jonathan Cypher</b>	<b>Abby Tennies</b>	<b>Megan Breuer</b>
<b>Tanner Schmidt</b>	<b>Jarod Scheff</b>	<b>Katie Rongstad</b>	<b>Michaela Osterberg</b>
<b>Samantha Prystawik</b>	<b>Heather Grosskoph</b>	<b>Shannon Kasten</b>	<b>Katie Schmidt</b>
<b>Julie Markham</b>	<b>Michael Gross</b>	<b>Cassandra Feuerstahler</b>	<b>Martha Stollberg</b>
<b>Janean Handel</b>	<b>Patricia Laylin</b>	<b>Mary Machacek</b>	<b>Michael D’Angelo</b>
<b>Hadley Fischer</b>	<b>Amy Denneau</b>	<b>Brenda Becker</b>	<b>Angela Puls</b>
<b>Nicole Knepel</b>	<b>Samantha Prystawik</b>		

Lieutenant Schodron informed the Board that no problems were discovered during the background check for these licenses.

Motion Otte/Thiel to waive the reading of names of the applicants and approve bartender licenses for all licenses listed above, subject to all necessary fees being paid. Motion passed.

**C. Review & Action:**

**1. Request to Review Retaining Wall at 224 W Washington St.**

Administrator Balcom stated that at the Board’s request, staff looked into history of this retaining wall. She stated that staff has the construction plans and the as built drawings for the 1995 Hwy 175 (now W. Washington St.) project and this wall is not on any of these plans. Administrator Balcom stated that correspondence dated 1997 regarding the wall was found, which is after the project was completed, indicating the wall was not part of the project.

Administrator Balcom informed the Board that staff found no documents that would indicate that this wall was part of the project and there are also no documents as to who built the wall.

Trustee Otte stated that this wall was part of the project and was paid for through the State project. He described to the Board the reasons for the wall which included a guy wire and a utility pole.

Engineer Haggerty stated that the utility pole is We Energies and they are responsible for it.

Trustee Otte mentioned that he had spoken with a City of West Bend Alderman regarding all of their retaining walls and was told by the Alderman that the State did construct all the retaining walls along STH 33 and that the city repaired all the walls, informing the homeowners that this was a onetime only deal and is now asking the State for reimbursement.

Engineer Haggerty stated that he also contacted the City of West Bend and discussed contract 12-19, under which the City only repaired one wall by A-1 Pools and sealed all the other walls informing the owners that this was a onetime cost and the homeowners are responsible for the walls.

President Brandt stated that he is not comfortable with agreeing to pay for this retaining wall.

Discussion was held about all of the retaining walls throughout the Village.

President Brandt indicated that neither of the adjacent properties to 224 W. Washington have retaining walls.

Engineer Haggerty stated that the Village’s utilities could be taken off the We Energies pole and put underground. He stated that if the pole is the issue, then We Energies should handle matters with the homeowner.

Trustee Fredericks asked Trustee Otte to explain the necessity of the pole and the guy wire. He asked what the relationship to the guy wire was to the retaining wall. Trustee Otte stated that there wasn’t an easement for the guy wire and if the yard was sloped, that would put pressure on the pole even more. Trustee Fredericks also stated that from the look of the photos provided to the Board, the wall’s condition is what it is today because of freezing and

Village Board Meeting  
6-7-16

thawing of water behind the wall and the absence of drainage tiles during the construction of the wall. Trustee Fredericks also stated his concern for the absence of this wall on the as built drawings.

Trustee Otte stated that he only did what the State told him to do.

Administrator Balcom stated that there is no permit or record of this wall being built.

Ms. Colleen Beimel, owner of the property located at 224 W. Washington St. Slinger, appeared before the Board and stressed her concern for the maintenance of this wall. She also stated that she does not know who put up the wall and has no documentation regarding the wall, but feels the Village should take care of the maintenance of her wall.

Trustee Otte stated that the State got a separate contractor to construct the wall and the Village did not design the wall.

Trustees stressed their concerns for the lack of paperwork, especially if the State constructed this wall and if it is a matter between the State and the homeowner, the Village should not be involved.

Engineer Haggerty stated that he had spoken with a representative from the State and it is their unwritten policy that the property owner needs to maintain such things as a retaining wall, much like caring for the sidewalks in front of an owner's property (ie. Snow and ice removal).

Trustee Otte stated that the only paperwork the Village received from the State was a bill for cost sharing.

President Brandt stressed his concern about the future financial liability the Village may encounter if the Village agrees to fix/maintain retaining walls.

Discussion was held that the guy wire has been removed so it is no longer an issue and they discussed appearance of the yard prior to the retaining wall.

Trustee Otte noted that the issue of the retaining wall is the utility boxes and the pole on the homeowner's property, all of which are not the Village's.

Administrator Balcom stated that staff has exhausted all avenues to find documentation concerning this wall.

President Brandt stated that three options could be considered. One, the Village does nothing, two replace the wall and make sure it is not in the right of way only this one time, third take the wall out.

Discussion was held that the retaining wall located at 224 W. Washington St. is located in the right of way and it was noted that the other walls along W. Washington St. are not. Trustee Otte stated that the wall is in the right of way because it was an afterthought of the project because the State told the utilities where to place the utilities.

Additional discussion was held on the significance of the guy wire and the retaining wall. It was noted that without the wall the placement of the guy wire was an eye sore on the homeowner's property. It was reiterated that this was not the Village of Slinger's utility pole that the guy wire used to be on.

Engineer Haggerty noted that the We Energies pole and the telephone company's equipment are out of the right.

The Board showed concern, yet stated that the wall is not an immediate danger to the public and asked staff to bring information on costs of replacing/rebuilding the wall and removing the wall and sloping the yard to a future meeting. In addition, the Board directed staff to contact We Energies and Frontier regarding any records on this wall that they may have.

Village Board Meeting  
6-7-16

Motion Otte/Thiel to table the discussion on the retaining wall at 224 W. Washington St. for a future meeting.  
Motion passed.

## **2. 620 Bayberry Lane Stormwater Easement**

Engineer Haggerty stated that he has not found any additional information since the 2014 meeting when this matter was discussed. He stated that the original subdivision plans show a pond that was proposed on this lot but was never constructed. Engineer Haggerty did not know the reasoning for the out lot or the easement.

The Board discussed the process necessary to vacate an easement.

Motion Otte/Kohl to draft the paperwork to vacate the 40 ft. access easement, the 20ft. access easement and the 80ft. storm water easement on properties 620 and 630 Bayberry Lane

### **6. Ordinances:**

- A. First Reading & Possible Action Thereon: None**
- B. Second Reading & Possible Action Thereon: None**
- C. Third Reading & Possible Action Thereon: None**

### **7. Communications & Possible Action Thereon: None**

### **8. Staff Reports:**

#### **A. Engineer's Report – Glacier Pass Update, Dove Plaza Stormwater**

Engineer Haggerty stated that unsuitable subgrade soils were found in the project area on the Glacier Pass construction project. He stated that soil will need to be removed and replaced. Engineer Haggerty stated that specifically, Nordic Lane north of Glacier Pass and Glacier Pass between Nordic and Lover's Lane have exhibited the worst subgrade soils during proof rolls. He stated that the tentative schedule is that the concrete contractor will arrive next week, weather permitting.

Engineer Haggerty stated that the Dove Plaza project began this week. He stated that staff will be restoring the newly graded area adjacent to the wetlands and replacing the landscaping around the booster station. Engineer Haggerty stated that trees were cut down along STH 60 to improve visibility of the development. He also noted that a new driveway will be constructed to the booster station to allow for service vehicles to access the station.

### **9. Closed Session –**

**Go Into Closed Session Pursuant to Authorization Conferred by WI Statute 19.85 1(e) – Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session (redevelopment project by EH Wolf & Sons in Tax Increment District #5)**

Motion Otte/Behrend to go into closed session at 6:50 p.m. to include Administrator Balcom, Engineer Haggerty and Deb Reinbold from Economic Development Washington County. A roll call vote was taken on this motion with the following results: Yea's: Behrend, Brandt, Kohl, Fredericks, Thiel, Otte; Nay's: None. The motion passed unanimously.

### **10. Return Into Open Session & If Necessary Take Action on Closed Session Items**

Motion Behrend/Kohl to return into open session at 6:58 p.m. with the following motion:

Motion Thiel/Behrend to direct staff to prepare documents in support of multimillion dollar redevelopment of blighted property in Slinger's business district and the associated job creation the Village Board authorizes a portion of TID 5 tax increment be used for the purposes of supporting developer financed project expenses required to bring

Village Board Meeting  
6-7-16

TID 5 properties to a construction ready state. Such developer financed expenses shall include but not necessarily be limited to environmental, demolition, grading, financing and infrastructure related costs. Financing costs may include fees associated with obtaining a 0% interest attraction fund financing incentive from Washington County. The village’s support of said developer finance expenses shall take the form of a pay as you go developer incentive to Edward H Wolf and Sons Inc. and/or its affiliates as 55% of TID 5’s tax increment made available through this development project and received annually by the Village Board authorizes the Village Administration to finalize and execute a memorandum of understanding among Edward H Wolf and Sons Inc. (developer), Washington County and the Village of Slinger, which has been proposed and authored by Economic Development Washington County. A roll call vote was taken on this motion with the following results: Yea’s: Brandt, Behrend, Kohl, Fredericks, Thiel, Otte; Nay’s: None. The motion passed unanimously.

**11. Adjourn Meeting**

Motion Otte/Fredericks to adjourn at 7:03p.m. Motion passed.

Approved By: \_\_\_\_\_  
Russell Brandt, President

Drafted By: Tammy Tennies, Clerk