

**BROOKLYN VILLAGE BOARD MEETING MINUTES**  
**May 11, 2009**

Meeting was called to order on May 11, 2009 at 6:37 pm in the lower level of the Brooklyn Community Building by Village President Nadine Walsten with Trustees Todd Klahn, Helen McCord, Mark Bruner, Wendy Layton, Tim Belter. Sue McCallum arrived at 7:08 pm. Others present: Clerk, Carol Strause, Public Works Director, Bob Anderson, Mike Zagrodnik, Dennis Tweedale, Josh Straka, Janeen Podgorski, Stacy Wolfe, Carlene Alvord, Jill Van Den Eng, Roland Arndt. President Walsten introduced and welcomed Wendy Layton as a new Trustee to the Board.

**League of Wisconsin Municipalities** representative Dennis Tweedale, CEO, and Mike Zagrodnik agent for Baer Insurance Services, presented the Village with a dividend check in the amount of \$4003. This is the third year Baer was able to declare a dividend which represents twenty one percent on overall premiums and five percent on workers comp costs based on claims experience from prior years. The League presented a twenty minute training video for public officials and department heads titled "In the Scope of Your Authority: Preventing Public Officials' Liability". After the video, Tweedale reviewed State Statutes 895.46, duty to defend and pay, 893.80, how to file a claim and \$50,000 limitation, 345.05, motor vehicle limitation at \$250,000, 81.15, damages caused by highway defects, 895.52, recreational activities; limitations of owners' liability. The protection from personal liability is not without limits and officials should always know the limits of their authority and act within those limits avoiding willful and malicious conduct. Punitive damages against individuals are paid in WI. The League and Baer Ins were thanks for this training.

President Walsten stated the Board would not take any action on public comments made during the meeting. If needed, subject matter would be placed on next month's agenda.

Janeen Podgorski, **Recreation Committee** Chair, spoke to the Board regarding comments made to her by Trustee McCallum April 9th about the committee's approval to transfer advertising funds from the recreation committee's budget to EDC's advertising budget to help pay for an ad in the Green County Tourism guide. Janeen stated moving funds from one budget to another budget is not an uncommon practice and was done to promote the Village. The transfer of funds was voted unanimously by the rec committee on February 11th. Trustee McCallum made comments to Janeen that residents were not happy about the committee's decision. Janeen stated she wanted the Board to understand the decision made by the committee and asked for Board support of the committee's decision. Specifically, these funds were transferred from one advertising account to another advertising account and would have returned to general fund if not used. Janeen commented that "resident committee members are here to do their best for the Village, expecting that not all people will always agree; however, we do expect the Board to stand behind the committees. It is important that we all talk positively about each other." Trustee McCallum stated the committee needs to take into consideration the citizens in general that are in disagreement with this move. McCallum asked "if this is chastising you or helping you understand what is happening." Janeen stated "she would not apologize for the committee because we didn't do anything wrong; we are representatives of the residents, too." Where the information about the committee's decision was found was raised and the monthly newsletter was referenced (February Board meeting minutes where Board voted to approve transfer?). Trustee Klahn commented "if the Board makes a decision and if it is not important enough for citizens to come to the Board with a complaint, then the Board's action is not too bad." President Walsten stated this issue will be put on the next agenda. Walsten commented this action is like the video that was just shared by the League; where the Board should be functioning as "we" rather than "I". Walsten further stated the Rec committee creates the quality of life in our community that is equally as important as bringing in new business, rehabbing downtown, keeping streets clean,

etc. Walsten also commended Janeen for the tremendous amount of time she and the committee have committed to the community.

Walsten referred to last month's memo from Atty Christopher regarding a walking quorum and potential for violating open meeting laws by use of email. Contacting separate committee members at different times basically is creating a walking quorum. McCallum stated she understood the ordinance. That is why she could not talk to President Walsten as she was trying to avoid a walking quorum. McCallum stated it was Walsten's intent to accuse her of a code of ethics violation.

Walsten encouraged the Board to read materials from Atty Christopher including email criteria. Trustee Layton stated there was no case law regarding a walking quorum and email. Conversation among the majority at a meeting, adjournment of meeting with later polling of individual members for further discussion is a walking quorum. Discussion between members about non-village business is not illegal.

**President's report:** Walsten thanked Clerk Strause and Deputy Clerk Brewer in recognition of Municipal Clerk's Week. Walsten asked to have on next month's agenda employee dinner/picnic as has been done in the past. Walsten referred to last month's hand out of the Senior Center and Youth Center reports for the various activities. On 4/30, Walsten attended a tourism/EDC meeting focusing on marketing special events to bring tourists to the community. A full report was given at EDC. The meeting was very constructive in terms of marketing a community and how the message comes out clear in comments from local business staff to visitors, for example, "oh yeah, this place is a dump" leaves a lasting, negative impression on visitors.

Walsten and Trustee Layton attended the New Officials Municipal Workshop last Fri sponsored by the League of WI Municipalities. Sessions were on responsibilities of officials and committees and powers of a village versus a city. Official's goal should be to make your community better when you leave than when you arrive. Other discussions were conducted on budgeting, capital improvement plan, State code and how it is written, law enforcement including terms of hiring.

**Clerk Strause** reported on AB149 that if enacted will lower interest rates on delinquent taxes from one percent to a half percent. Clerk and Deputy Clerk will be attending a training session on Green County's tax collection software next Thurs, 5/21. A meeting with DOR will be held after the training session to discuss rescinded taxes and charge backs for personal property. The office will be closed from 9:30 - 3 pm that day. Letter was received today from U.W. Green Bay that Deputy Clerk Brewer received a \$644 scholarship from Rural Mutual Ins to pay for her training at the University in July.

Bruner moved, second Belter, carried to approve the 4/13 minutes. Bruner moved, second Klahn, carried to approve the minutes of 4/21. Trustees McCallum and Layton abstained as they did not attend the meeting.

**Fire/EMS report:** Roland Arndt has represented the Village on the Fire/EMS board for 16 years and would like to be reappointed. Arndt reported the fire district board meets quarterly with the next meeting July 8th. The assistant fire chief has retired and moved away. The new assistant chief is Leif Spilde who has all the education and training to do an excellent job. Run fees have been restructured for the EMS service without affecting the budget passed last year allowing a slight increase in volunteer wages. Auxiliary on call volunteers are able to stay on location as the station build out is now complete. Non-Fire/EMS District meetings can be held at the station but the policy is not completed. Training for countywide programs is also held there. New pumper truck is now in

service as engine #1 since retiring the old engine. After bids were let, the old engine was sold for \$3100.

**PUMPING DOUGLAS POND:** Director Anderson reported on costs and plans to pump the Douglas Pond. Four hundred feet of suction hose is needed which would be laid on the east side of Rutland with ramps covering the hose where it crosses the street to the storm sewer drain on Church St. Traffic over the ramps would need to be at 15 mph. A 2002 easement agreement with Richard Reese allows storm water to run through the installed infrastructure to the river. Reese does have concerns over the discharge. Anderson has contacted DNR for any permits needed to pump the pond. At the point of discharge, suspended solids needs to be no greater than 40 ppm. A price to set up the equipment would be approximately \$18,000. The Village could purchase a pump for \$30,000 with no charge this time for all the other equipment needed including 3000' of hose. Next time there would be a charge \$4-5,000 to rent hose and ramps equipment. The water level would be lowered 4-5'. The water is currently within 2' of exposed basements on Douglas Dr. Evaporation option is not working. Installing an actual pump station and force main would be costly. Dredging the pond would not solve the problem. Josh Straka, Strand Eng., stated the groundwater in the pit is 962' and the water level in the pond is 967'. Rationale in purchasing a new pump would be to replace the old pump that has had many costly repairs. The new pump would be for general use. Funds to purchase the \$30,000 pump were discussed. Interest earned on the 2007 Ban is \$12,500 to date. Others balances in the 2007 capital project BAN were reviewed, i.e., mower funds, GIS mapping. Total balance in 2007 BAN is \$214,089.

Trustee McCallum moved, second Bruner to approve pumping Douglas Dr pond with an obligation to residents to protect their property. Straka recommended not adding to a problem downstream and the Village should pump across the tracks where flow will get out to the river. Setting a precedent was discussed. The Village has demonstrated we have not created the problem on the west side. King Lake problems have been proven to have been created by DOT when they reconstructed Hwy 92 and changed elevations. Criteria should be created defining when pumping will begin, i.e., within 2' of water level elevation of properties. Walsten moved, second Klahn to amend the motion to add: pending attorney ruling on whether or not we are setting precedent and with approval of DNR. Amendment motion carried with Trustee McCallum voting Nay. Voting on the original motion carried unanimously.

Trustee Bruner moved, second Klahn, carried to purchase a pump with set up from Lincoln Contractors, Madison, not to exceed \$35,000 pending availability of funds. Final agreement with Richard Reese will be reviewed. Reese does not want excess water running through the drainage system on his land. Groundwater table has been higher the last few years.

**Public Works report:** Straka reported on **solar project** costs for possible installation at the WWTP. Focus on Energy may have some grants available for this project. WPPI Energy has funds available for their customer owned member utilities. Application is due June 30th for stimulus funds for this type of energy. There are refund dollars from Focus on Energy calculated at \$2 times the output per year up to \$35,000. Straka recommended the dual axis trackers as being the most efficient for the location at the WWTP. Cost is estimated at \$69,120. Life expectancy of the solar system is 40-50 years. Straka recommended a site assessment that would cost \$500-600. Project would have to be paid for up front with a cash rebate to pay back a portion of the cost. Trustee Klahn stated the payback would be over a long period of time while the equipment would become obsolete in a few years. Three bids would be required by Focus on Energy from their list of suppliers. Trustee McCord moved, second Bruner to have a site assessment costing \$500-600 completed. Motion was withdrawn.

Trustee McCord moved, second Bruner to have a solar light assessment costing \$500-600 pending availability of funds with voting as follows: NAY: Belter, McCallum, Klahn; AYE: McCord,

Walsten, Bruner. Trustee Layton abstained. Motion died due to tie. Trustee Belter stated he is not opposed to the project just wants other options.

Anderson gave an **update on the WWTP** electrical panels that were delivered last week including SCADA system. Painters have arrived. First week of June is the planned start up of the plant. Bruner moved, second Klahn, carried to pay C.D. Smith \$386,497.25. Bruner moved, second Belter, carried to approve Bartelt Ent. blacktop patch two areas at a cost of \$2315.24 where water main repair work was done. Other price received was from Wolfe for \$4170.04. Bruner moved, second Klahn, carried to postpone to the June meeting the amendment to the engineering contract for relocating the effluent line and closing out CWF#3 loan.

At 9:18 pm, Trustee Klahn moved, second Bruner, carried by unanimous voice vote to convene to closed session pursuant to WI Stats 19.85 (1)(c) to **negotiate police chief hiring details**. The estimated time to reconvene is 9:30. Trustee Bruner moved, second Klahn, carried by unanimous voice vote to reconvene at 9:40 pm. Trustee Bruner moved, second Klahn, carried to postpone finalizing police chief contract until the Personnel Committee can work out final contract details.

Trustee Bruner moved, second Klahn, carried to **approve the consent agenda**: payment of invoices totaling \$482,891.56, Clerk & Deputy Clerk attending Wis. Municipal Clerk's fall conference in Milwaukee, Aug 19-21 and closing the Clerk's Office during that time, Class B picnic license for the Lions Club for Bluegrass Festival June 5-6, temporary operator licenses for Harry Bernholdt, David James, George Woodbridge, Jim Scallon, Richard Anderson, Daniel Biersdorf, Wilfred Wendt, Tim Saunders; Village depositories, Resolution #2009-05 Adoption of WI DOT equipment rates.

Trustee Bruner moved, second Klahn to approve **2009-2010 committee appointments** as presented. Motion was rescinded by Bruner and Klahn. Trustee Belter indicated an abstention from the EDC committee assignments. Bruner moved, second Klahn, to approve all Village Board committees and special designated committees/commissions/Board appointments except EDC. Trustee McCallum asked why she is only on one committee when she had requested three appointments. President Walsten stated she didn't feel it was appropriate a) to be on Finance because of arrears; b) Personnel because she personalizes critique of performance, is not objective; c) Safety did not produce Police Dept report; new Chief needs to work with Chair who is supportive; and d) Economic development Committee has been critical of this committees work for years. Walsten feels because McCallum does not work well with other board members, personalizes criticism outside of meetings; does not take responsibility for her actions, it is in the best interest of the community to limit her appointment to only one committee. McCallum stated Walsten has characterized her as such but she is representing the people that have elected her and works hard for development of this community by bringing comments forward from the citizens. McCallum stated she wants to go on record as a proponent of economic development for this community standing up for the rights and ideas of the citizens of the community. Walsten stated that McCallum is involved with conflict; takes time away from the Board's business and Village President activities. Walsten further commented "the constant interruptions are very problematic. We cannot have more conflicts and I need to maintain order. The Board needs to move forward, committees need to work together." Trustee McCord stated Carlene Alvord's name needs to be added to the Recreation Committee assignment, name of which was approved at the last meeting. Approval of the original motion: carried. Trustee McCallum voted Nay. Trustee McCord moved, second Bruner, carried to approve the assignments for EDC (Economic Development). Trustee Belter abstained. Committee appointments will be posted on the Village's website.

President Walsten introduced a **performance measurement and budgeting tool** for departments, committees, and the Village Board. Each committee would put together what it wants to accomplish

for the year, its goals, and a plan to achieve those goals. The budget would be developed from the plan and listed on the budget worksheets in July. At the end of the year, committees can evaluate how successful the committee has been meeting its goals. This will be discussed in more detail at committee meetings. Also presented is a **professional conduct policy for Trustees and committee members**. Walsten stated there is a policy for employees but not one for the Board. Trustee McCallum moved to postpone both items, second Layton, carried. Walsten asked Personnel to draft a document for discussion at next Board meeting

Clerk Strause explained the problem with the **office computer hardware**. Computer Know How performed diagnostic services to determine a probable failure of the router, and lack of storage capacity on both systems. Router has been ordered at a cost of \$60. Data is lost when the systems fail. This has happened twice in one week. Backup system restores data but much time is lost when the system is down. Computers are about four years old. Trustee McCord moved, second Klahn, carried to replace both towers at a cost not to exceed \$1098 from Computer Know How.

**Committee reports: Planning and Zoning** - Community design subcommittee is disbanded. **Ordinance** will meet next week. Belter moved, second Bruner, carried to postpone discussion on Chapters 1 and 2. **Safety**-There is no police report. There was no quorum for the meeting. May coverage was questioned. **Personnel** will meet at 7 pm on the 3<sup>rd</sup> Wed. **EDC**-Steve Lust and Heather Kirkpatrick are new members appointed previously at this meeting.

**Recreation**-McCord moved, second Klahn, carried to approve Tari Lust to the committee. Another successful Dime a Dip was had last Thurs with approximately \$750 brought in. **Bluegrass**-Last push is being made for publicity. T-shirts have been ordered, final production is coming together for June 5-6th. **July 4<sup>th</sup>** - Meeting will be held this week. **Recycling** – Will be meeting soon to complete compliance for recycling grant.

**Finance** – Trustee Belter gave a capital projects update and the need to review the five year plan. 2007 BAN review and cash flow forecasting continue to be worked on. A change in the depository list that was approved this evening was detailed.

Trustee Bruner moved, second Klahn carried to adjourn at 10:17 pm.

Carol A. Strause,  
Village Clerk-Treas.