

**Village Board  
MEETING MINUTES**

**August 9, 2012**

**VILLAGE BOARD PRESENT:** A. Viau, P. Cloutheir, D. Cattoi, B. Jaeck, L. Kawa-Pelish, E. Steiner, D. Voss

**VILLAGE BOARD ABSENT:** None

Staff: V. Rudychev

Also Present: Citizens

**I. Call to Order / Roll call**

The meeting was called to order at 6:30 p.m. by A. Viau and roll call was conducted by V. Rudychev.

**II. Public Comment and Input**

C. Hansen, 3517 S Elmwood Drive, stated she felt it was important for the Village Trustees to know the true costs of the Wal-Mart project. She stated that determining the true cost is difficult, but felt that the increased cost of police and fire protection would off-set whatever additional revenue was created by Wal-Mart for property taxes.

S. Russell, 3413 Oak Tree Lane, stated there was an article in the Journal Times that called for the Trustees to listen to the silent majority about the Wal-Mart project. He stated that a number of Village residents took an unofficial poll of the Village residents. The poll results have been provided to the Village Clerk and clearly show that the majority of residents are not in favor of the commercial development.

N. Haas, 3302 Lathrop Avenue, stated he submitted months ago a open records request for financial records and applications for the Plan Commission, which he has not yet received. He stated that the Village is looking at penalties from the State if the records are not produced.

**III. Consent Agenda**

**1. Minutes of the July 12, 2012–Village Board Meeting**

B. Jaeck stated that page two should read perceived. L. Pelish stated that a name was misspelled on the first page.

L. Pelish moved to approve the Minutes of the July 12, 2012 Village Board meeting and D. Voss seconded. Motion carried (6-0).

**2. Accounts Payable – August 2012**

E. Steiner moved to accept the Accounts Payable for August 2012 and D. Voss seconded. Motion carried (6-0).

**IV. New Business**

**1. Reports**

**a. Racine County Sheriff Monthly Report**

Sheriff was unable to attend tonight due to an engagement in the City of Burlington. V. Rudychev read his report into record.

**b. Clerk/Treasurer**

V. Rudychev read into record a letter from Wal-Mart requesting that the parcel of R. Heinrich be zoned to B-1 instead of a PUD, the same zoning that is currently on the old Kohl's property.

**c. Trustees**

D. Cattoi reported that there was a burglary in the neighborhood and he will be sending out a newsletter to update the residents this week.

D. Voss had no report.

E. Steiner stated he would combine item #6 with his report. He stated he contacted two residents of four that need to address the Elm Tree issue. He added that he would be sending all four formal letters as well. Three of them are significant and the other one is not as bad. He stated he would ask D. Cattoi to include in the newsletter what the general ordinances are for trees to keep residents aware. B. Jaeck questioned if the trees were the responsibility of the Village and not the residents since they are in the Village right-of-way. E. Steiner added that an additional issue was the property of A. Day on Maryland Avenue in regards to both weed and animal control. He stated that he would be coordinating with the property owner to get the issue resolved.

L. Pelish had no report.

P. Clouthier stated that he had implemented the first stage of the 2013 Recycling Grant and will be working on the second part.

B. Jaeck stated someone on the corner of Lathrop and Taylor was building a deck without a permit and some people were parking overnight on S Elmwood Drive. He stated that he had made the Clerk aware of the situation. V. Rudychev stated that she had sent both property owners letters asking them to correct the issues.

**2. 2013 Racine County Sheriffs Contract**

A. Viau stated that it was time to renew the Racine County Sheriffs Contract. She stated it would be a one year contract. She stated that the hourly rate had increased slightly, but the Village would still allot \$3,000 for police protection as had been previously done. D. Voss moved to approve the 2013 Racine County Sheriffs Contract and L. Pelish seconded. Motion carried (6-0).

**3. Scheduling of Recall Elections**

V. Rudychev explained that on July 13, 2012, Nick Haas, on behalf of the Friends of Elmwood Park, submitted a recall petition to recall President Audrey Viau. The petition, which needed sixty-six (66) signatures in order to be valid, contained 109 signatures. After review of all of the paperwork and signatures, it was deemed that 106 signatures were valid. President Viau was given a copy of the petition on July 16, 2012 and was informed she had until July 23, 2012 at 5:00 p.m. to file a challenge to the petition. On July 23, 2012, President Viau informed me that she did not intent to challenge the petition. That action made the petition a valid petition of 106 signatures. Therefore, it is now the responsibility of the Village Board of Trustees to schedule both the Recall Primary and Recall General Election for the position of Village President for the Village of Elmwood Park. The Recall Primary Election is to be scheduled for the sixth (6) Tuesday following the Village Board meeting on August 9, 2012 when this matter is to be addressed. That election is to be scheduled for September 18, 2012. The Recall General Election is to be scheduled for the fourth (4) Tuesday following the Recall Primary Election. That election is to be scheduled for October 16, 2012. In the even that a Recall Primary Election is not necessary, the Recall General Election will take place on September 18, 2012. V. Rudychev explained that anyone interested in running should contact her directly. Residents questioned if there was a primary if A. Viau would automatically advance to the general election. V. Rudychev explained that the top two vote getters would advance to the general election and A. Viau is not guaranteed a spot.

B. Jaeck moved and P. Clouthier seconded to schedule the Recall Primary for September 18, 2012 and the Recall General for October 16, 2012. Motion carried (6-0),

**4. Outstanding Invoice from JM Brennan Co.**

A. Viau explained that J. Neumiller has been handling this issue and that he is awaiting new

paperwork from the company. B. Jaeck stated that he was the one who requested to have this put on the agenda. He stated that the Village should not have to incur anymore interest on the bill for not paying the bill. He further added that he is concerned that the company is going to take this matter to legal action. A. Viau stated that this bill has not been paid yet because it is in question. E. Steiner asked what the bill that is unpaid was for. A. Viau stated it was for replacement of the furnaces. V. Rudychev asked if the invoice could be paid once the new one is received. A. Viau stated yes.

**5. Plan Commission Resignation/Appointment**

A. Viau explained that M. Hinkston has submitted a formal letter of resignation from the Plan Commission. She explained that she would be appointing R. Tomamichel to the Commission. B. Jaeck stated that the Board had given A. Viau fourteen days to fill the vacancies on the Plan Commission. D. Cattoi explained that at the time they gave A. Viau that stipulation there was only one spot vacant on the Plan Commission which she filled with G. Pelish.

**6. Elm Trees Along Taylor Avenue**

E. Steiner stated this has already been covered in his Trustee report.

**7. Recommendation of Plan Commission – Scheduling of Public Hearing**

A. Viau stated that the Plan Commission recommended that the Village Board proceed with scheduling the public hearing for the amendment of the Comprehensive Plan. L. Pelish moved to amend the recommendation of the Plan Commission and schedule the public hearing for both the Comprehensive Plan amendment and rezoning. D. Voss seconded.

B. Jaeck stated that if the Comp Plan is not amended that there is no need to go into the rezoning. A. Viau stated that the first hearing would be on the Comp Plan and that the rezone would follow. B. Jaeck stated that the large majority of residents feel that this whole process is confusing and the reason for keeping it separate is to simplify the process for the residents.

C. Hansen stated that Wal-Mart is supposed to pick up the costs for the public hearing and questioned if that was happening.

V. Rudychev explained that the public hearing would simply be for the Village Board to listen to the comments of the residents and no decisions would be made.

B. Jaeck stated that no one knows what rezoning is and most people in the planning profession recommend doing the two public hearing separately to keep it simpler for the residents.

Vote was called for the motion. Motion carried with A. Viau, L. Pelish, D. Voss and E. Steiner voting for and B. Jaeck, P. Clouthier, and D. Cattoi voting against.

Residents raised concerns over the possibility of Wal-Mart suing the Village. They called for the Board of Trustees to put legal counsel into place to help the Village with the Wal-Mart issue.

**8. Convene into closed session per WI §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: Village Attorney**

L. Pelish moved and P. Clouthier seconded to convene into closed session per WI §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

**9. To reconvene into open session consider any motions**

A. Viau reported that the Village would continue to seek legal counsel for the Village and this would be an ongoing discussion.

**V. Old Business**

**1. Amendment to Ordinance 2.06 (b): Plan Commission Citizen Members (Ordinance 1-2012)**

D. Cattoi explained that this was the second reading of the Ordinance amendment. Simply stated this amendment would allow for the Village Board to decide who is going to be on the Plan Commission instead of the Village President. D. Cattoi moved to approve the amendment to ordinance 2.06 (b): Plan Commission Citizen Members. E. Steiner seconded. Motion carried (6-0).

**2. Shorewest Realtors Contract – Extension**

A. Viau explained that she had signed a three month extension with the Village's Realtor as the contract was expiring. She stated that he would be working for an additional three months on renting out the Taylor Homes properties. P. Clouthier stated that the dates on the contract were incorrect. A. Viau explained that the contract would be readdressed after the expiration of the extension.

**3. Air Conditioners for Taylor Homes Property – Status Update**

A. Viau explained that the wrong data was given to the Board by P. Clouthier and B. Jaeck on the costs of the AC Units. B. Jaeck asked why this was being discussed as the motion to install the equipment had already been made. He added that the Board is only looking for when the work would be completed. A. Viau stated that this matter needs to be relooked at. E. Steiner stated that the Board should get a new proposal with the additions and corrections made at the prior Board meeting. A. Viau stated that she simply wished to make the Board aware of the discrepancy. D. Cattoi stated that the motion which was made previously cannot be overturned due to false information. B. Jaeck stated that A. Viau just needs to sign the contract and get the work done. Residents were concerned with the Presidents lack of support for a motion that had already received Board action and had garnished a majority of the votes of the Board.

**4. Adjournment**

B. Jaeck moved and P. Clouthier seconded to adjourn. Motion carried (6-0) and meeting was adjourned at 9:03 PM.