

Village of Wind Point Board of Trustees Minutes – November 10, 2011

- 1) Call to Order and Pledge to the Flag at 4775 Lighthouse Drive at 5:31 pm
Roll call President: Bill Bensman; Trustees: Ann Brodek, Pete Christensen, Casey Jones, Marty Meissner (by phone), Jerry Wishau; Administrator Barbara Grant; Attorney Ed Bruner; Police Chief Dave Rossman; Susan Arts. Jerry Wishau was excused.
- 2) President Bensman welcomed members of the public and asked the Board if they would allow him to extend ten minutes for public comment on the communications tower.
- 3) Ken Hall reported that three adjoining property owners had filed a formal protest in the Clerk's Office which they believe will trigger a requirement for a ¾ vote on the cell tower conditional use permit. He reminded the Board that the earlier petition was signed by 37 adjoining property owners and shared a map showing all represented properties. He presented his reasons for opposing the tower.
- 4) Deborah Hall spoke against siting the cell tower and asked the the Board follow the example of the Sienna Center as an example of a premier community that has thoughtfully sited a cell tower on their property.
- 5) Kathy Arena spoke against the cell tower and presented her reasons.
- 6) Derek McGrew, representative for AT&T, responded to some concerns raised and corrected misunderstandings.
- 7) Karen VanLone complimented those who are participating and expressed hope that it continues. She spoke in support of the Board and against implications that the Board lacked integrity, especially in regard to the use of lawful closed sessions.
- 8) Closed Session. Motion by Bill Bensman to move into closed session per WI Statute 19.85(1)(e) to deliberate the Communications Tower contract that for bargaining reasons requires a closed session with Derek McGrew and Tricia Conway, Director of External Affairs for AT&T, in attendance at the beginning of that session; and per WI Statute 19.85 (g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and to return to open session for action. Second by Pete Christensen. Those voting aye included Ann Brodek, Pete Christensen, Jay Hammes, Casey Jones, Marty Meissner, and Bill Bensman.
- 9) Motion to move back into open session at ~ 7:10 pm by Hammes; second by Christensen. All individually approved. Some of the previous public returned. Bensman asked the Board to reconsider first the conditional use permit and then the contract document.
- 10) Conditional Use Permit. Motion by Christensen to approve conditional use permit; second by Bensman. Hammes stated that he understands the concerns of adjacent property owners as well as the needs of the public to have a quality of life that includes good cell phone service; he ...in favor. Brodek stated that although she is in favor of cell phone options also, but there are other places where the tower could be appropriately placed to be less adverse to the environment and the aesthetics of the village. Meissner said there was a public need, especially for the elderly, and that he would vote for it. Christensen pointed out that comments on the conditional use evaluated by the Zoning Administrator seemed to cover all compliance issues and the benefits for the village outweigh any disadvantages. Motion passed give to one (5-1) with Ann Brodek opposed.
- 11) Communications Tower Contract Motion by Bensman to approve the contract referred to as the Option and Lease Agreement between the Village and New Cingular Wireless; second by Hammes. Bensman was asked to point out the principle components of the contract.
 - a) Financial arrangements - \$19,200 per year; term of five years subject to automatic renewal for an additional four terms; 3% escalator annually.
 - b) Opportunity for two additional providers on the tower who would lease space from the Village.

Village of Wind Point Board of Trustee Minutes – November 10, 2011

Jones pointed out that future providers would need to meet requirements of the zoning code.

Motion to approve the Option and Lease Agreement passed five to one (5-1) with Ann Brodek opposed.

- 12) Village President's Report. Bensman recommended that the budget approval meeting and the Board concurred with meeting on December 1st. Bensman reported that he met with State Representative Robin Vos; Ryan Murray and Waylon Hurlbert, members of Governor Walker's staff; and Curt Wytzinski of League of Municipality regarding the recent Budget Repair Bill. He reported that he believed he had raised their awareness of issues facing Wind Point and other no-growth municipalities with a history of strong spending control; all have agreed to look at means of addressing municipality issues after the end of the biennium. Bensman also met with Representative Corey Mason, member of joint finance committee who will be our representative upon redistricting, and raised his awareness of the same issues. At the heads of government meeting last month, Bensman reported he was disappointed that we are drifting away from sharing services because everyone is in a bind and there are new alliances forming, with small community needs different than those of large communities. The fire contract offered by the City of Racine is a clear example. The County Executive and staff will be working with the small municipalities to resolve the animal control issue.

13) Administrator's Report.

- a) Attorney Bruner pointed out that Bob Flancher, a village resident, has volunteered to help revise our ordinances in a comprehensive manner. In your packets is the first draft for your consideration. The first policy decision is whether to allow or prohibit concealed carry where possible in the village and then to define weapons in a comprehensive manner. Bensman asked how fast we should respond to the November 1, 2011 date to allow or disallow concealed carry where we can. He suggests that we move forward within the next few months. Jones asked about the statutory immunity clause of the state law and asked for his recommendation. He suggested that we not post. Hammes reported that Racine and Sturtevant are not posting. Hammes asked about the posted sign at Shoop and the Lighthouse, and Bruner said that it depends on what exactly the sign says. You can prohibit discharge of weapons, but not possession. Grant reported that the police chief had reviewed the document and only had comments related to courts.
- b) Grant presented private well applications from 5190 Hunt Club Rd. and 33 E. Four Mile Rd. (Johnson Foundation). Motion by Brodek and second by Jones to approve both private well applications. Motion passed unanimously.

14) Trustee Reports

- a) Public Safety – Jay Hammes pointed out that the October Police Report shows multiple cases related to liquor, a national trend.
- b) Environmental Sustainability – Ann Brodek moved that the Village retain John's Disposal, both refuse and recycling, under the terms of the proposal with automated collection and monthly bulk item pick up based on the results of the solid waste bids and to begin on January 3, 2012 proceeded by education by the Village and John's Disposal; second by Christensen.

There was discussion about when to begin automated service in January and how the change would be implemented. Brian J handed out an example of the how-to education when the carts are distributed. Education from the village could go out in the tax bill to prepare them for the change. The standard carts are 96 gallons, but there are 48 gallon sizes available for garbage and for recycling. Recycling is collected every other week and the list of recyclables is extensive. Large item pick up is monthly. Yard waste service will be continued in the same manner with stickers purchased at the village.

Motion passed unanimously.

Village of Wind Point Board of Trustee Minutes – November 10, 2011

15) Consent Items and Receive/File Items.

- a) Motion to approve the consent items and receive and file items by Christensen; second by Brodek passed unanimously as follows:
- b) Minutes of Board of Trustees in October with Vicky Bomberger's name corrected
- c) Village and Utility bills: October
- d) Financial Reports - October
- e) Police Report – October
- f) Court Report – October
- g) Veolia Solid Water - None
- h) Permit Report – October
- i) Minutes – Plan Commission – October

16) Referrals – Concealed carry to Hammes and the Chief in January.

17) Adjourn Bensman/Meissner at 8:09.