

**PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS**  
**Thursday December 17, 2009**  
**7:00 PM**  
Vernon Town Hall Meeting Room  
W249 S8910 Center Drive

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1. CALL TO ORDER. Chairperson Michalek called the meeting to order.
2. PLEDGE TO FLAG. Town Board recited the Pledge of Allegiance.
3. MOMENT OF SILENCE. Town Board had a moment of silence.
4. ROLL CALL. Chairperson Michalek, Supervisors Reilly, Bird, Barikmo, Craig, Department of Public Works Doug Salentine, Treasurer Porter, and Clerk Kumershek.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairperson Michalek asked the Clerk if the agenda was properly noticed. Clerk Kumershek stated the Town of Vernon is in compliance pursuant to the open meetings law requirement.
6. CHAIRPERSON ANNOUNCES POSSIBLE CLOSED SESSION. The Town Chairperson announced that there will be a closed session this evening which is item 16 on the agenda.
7. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

Chairperson Michalek stated please address all of your comments to the Town Board as a body. In all likelihood questions directed to a specific supervisor or staff person will be deemed out of order by the Town Chair. As to whether a question will be answered will be determined by the Town Chair if addressed to the body or, if addressed to an individual, by that individual. No response will be made; however, until after the individual has finished his or her comments and returned to their seat. Please present all comments, questions, or concerns in a respectful, professional manner.

**MOTION Supervisor Reilly moved to open public comments, seconded by Supervisor Bird, motion carried.**

**Leah Fickau - W228S8910 Jackson Parkway.** Leah Fickau read a prepared statement.  
**Clerks note: Leah Fickau's letter is attached to the minutes.**

**MOTION Supervisor Reilly moved to close public comments, seconded by Supervisor Barikmo, motion carried.**

8. REVIEW OF RECENT CORRESPONDENCE.
  - a. Adopt a family for Christmas
  - b. Waukesha County Emergency Shelters are open due to the weather.
  - c. Property tax valuation and administration to the county level.
  - d. Local governmental Property Insurance

Chairperson Frederick Michalek briefly reviewed each item of correspondence with the Town Board.  
No action was taken.

9. MISCELLANEOUS MATTERS. The following matters will be discussed and possible action taken by the Town Board:
  - a. Discussion with Leah Fickau pertaining 2008/2009 legal fees for the Big Bend Vernon Fire Department, the Big Bend Vernon Fire Board, and the Big Bend Vernon Fire Commission.

**MOTION** Supervisor Reilly moved to table this item seconded by, Supervisor Bird, motion carried.

**MOTION** Supervisor Reilly moved to table items 9b and 9c until after closed session, seconded by Supervisor Bird, motion carried.

- b. Review status of Fire Department budget. (As confirmed by the Town Board during 12-9-09 CS).
- c. Consideration of the Town and Village Fire Department.
- d. Status of the sale, salvage, or related disposal of the barn.  
Director Salentine stated there is no update at this time. Chairperson Michalek stated he would like to take this off of the agenda.
- e. Vernon Town Storage Building.  
Director Salentine stated nothing to report at this time. This item will be updated by Director Salentine under his reports in January.
- f. Edgewood Avenue/Big Bend road property.  
Chairperson Michalek stated he spoke to the Town Engineer and there would be an update at the January meeting.
- g. Approval of Sexual Predator Ordinance.

**MOTION** Supervisor Reilly moved to adopt ordinance 2009-11 to recreate chapter 270 of the Town of Vernon Code of Ordinances Establishing Sexual Offender Residency and Loitering Restrictions within the Town of Vernon, seconded by Supervisor Barikmo, motion carried.

Chairperson Michalek stated this is an updating from an existing ordinance.

Supervisor Barikmo stated that the old ordinance was somewhat challengeable in court for a potential offender and we rewrote section of it and redefined areas so this would be a lot less challengeable. Chairperson Michalek asked for a friendly amendment for Counsel review. Supervisor Reilly and Supervisor Barikmo agreed on the amendment.

- h. Acceptance of Ridgeview Estates Public Improvements.  
Department of Public Works Director Salentine reviewed the status of the Ridgeview Estates Subdivision.

**MOTION** Supervisor Bird moved to accept the public improvements of the Ridgeview Estates Subdivision, subject to the one year guarantee period that will commence October 12, 2009, seconded by Supervisor Craig, motion carried.

- i. Reduction of letter of credit for Ridgeview Estates Improvement.  
Chairperson Michalek reviewed the Ridgeview Estates Improvement and to accept the Town Engineer's recommendation.

**MOTION** Supervisor Craig moved that the board reduce the letter of credit per the Town Engineer recommendation to the balance of \$28,650, seconded by Supervisor Reilly, motion carried

- j. Consideration to approve an extension to the conditional approvals of the rezone, preliminary plat, and allotment for the Maple Vista Development on Townline Road in the Town of Vernon.  
Chairperson Michalek reviewed the extension to the conditional approvals of the rezone, preliminary plat and allotment for the Maple Vista Development. Chairperson Michalek asked to accept the Town Engineers' recommendation of this project with the extension of November 1, 2010.

**MOTION** Supervisor Reilly moved to approve an extension of one year to (November 1, 2010), for the conditional approvals to the rezone, preliminary plat and allotment for the Maple Vista development on Townline Road in the Town of Vernon seconded by Supervisor Craig, motion

carried.

- k. Resolution for the Borrowing of the funds for the Department of Public Works Truck with Citizens Bank. Supervisor Craig reviewed the resolution of the bank and felt the length of the resolution needed to be condensed. Supervisor Craig updated the board on interest rates through Chase bank. The Board's consensus was to stay with Citizens bank and continue with the appropriate resolution.

10. ANNOUNCEMENTS. The following individuals will be given the opportunity to make announcements at the meeting in regards to activities undertaken since the previous meeting on behalf of the Town, future activities and citizen contacts. It is not contemplated that these matters will be discussed or acted on but referrals to the appropriate committees and/or individuals will be made.

- a. Town Board, Department of Public Works Director, Town Clerk, Town Treasurer and Building Inspector.
  - Supervisor Reilly wished the residents a very very Merry Christmas and Happy New Year.
  - Supervisor Bird stated Merry Christmas and a Happy New Year. Supervisor Bird stated to keep your home's secure at this time of year.
  - Supervisor Barikmo wished the residents a very Merry Christmas and a healthy New Year.
  - Supervisor Craig wished a healthy and Happy New Year. Supervisor Craig met with Planner Jamie Rybarczyk to discuss and reviewed smart growth planning.
  - Chairperson Michalek stated a very sincere Merry Christmas to everyone. Chairperson stated he appreciates input from the residents. Chairperson Michalek was complimentary regarding the snow plowing services of the Vernon Public Works Department. They are to be commended for the time and effort they put in.
  - Department of Public Works stated we did well with the snowplowing after the latest snow fall. Director Salentine stated there is a new recycling law that goes in effect January 1, 2010 that involves the disposal of computers, monitors, televisions, and cell phones. These units have to be recycled. The town needs to advertise on our website. Director Salentine reported on our Department of Natural Resources meeting and stated we are the first in the state to conform to the states standards. Director Salentine wished everyone a Merry Christmas and a Happy New year.
  - Clerk Kumershek stated the deadline for anyone wanting to run as a candidate for Supervisor #1 and #3 is January 5, 2009.
  - Treasurer Porter stated tax collection has gone well and residents are using Citizens bank as well as the Town and wished everyone a Merry Christmas and Happy New Year.

11. REPORTS. Information on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

- a. Treasurer's Monthly Report
  - Treasurer Porter gave her monthly October report.
  - **Clerks note: Report is attached to the minutes.**
- b. Building Inspection-Monthly Building Inspection Report
  - Chairperson Frederick Michalek stated nothing at this time.
- c. D.P.W. Committee
  - Supervisor Bill Craig had no report.
- d. Fire Department
  - Chief Buchholtz stated there is a copy of the report in the packet. Chief Buchholtz stated to follow all the safety precautions when driving and use your seatbelts they do save lives. Chief Buchholtz

stated everyone is working hard to make things better for the fire department He wished for a cohesive town and village board that the town and village deserve. Chief Buchholtz wished everyone a Merry Christmas.

- e. Ordinance Committee
    - Supervisor Joe Reilly stated he would set a date for meeting sometime in the second week in January.
  - f. Park & Recreation Committee
    - Supervisor Barikmo stated there was a meeting on December 9 that was canceled because of weather and is working with the clerk's office on a committee date of January 13, 2010.
  - g. Plan Commission
    - Chairperson Michalek no report at this time.
  - h. Public Health & Safety Committee
    - Supervisor Craig will have a meeting December 22, 2009 at 6:30 p.m.
  - i. Water Monitoring Committee
    - Supervisor Bird stated we are waiting for the weather to break so we can do some monitoring of the residents wells.
  - j. School Board
    - Supervisor Reilly stated he talked with Darren Clark and the focus was capital improvements for next summer. They are planning on painting, carpet, electrical work, securing the entrance for the summer of 2010 on the Big Bend Elementary School. .
  - k. SE WI Fox River Commission
    - Chairperson Michalek stated reports are in your packets.
  - l. Treasurer's Monthly Report
    - Treasurer Porter gave her report.
  - m. Village of Big Bend Agendas & Minutes are distributed as part of the packet.
  - n. Village of Mukwonago Agendas & Minutes are distributed as part of the packet.
  - o. Big Bend Vernon Fire Board Agendas & Minutes are distributed as part of the packet.
  - p. Big Bend Vernon Fire Commission Agendas & Minutes are distributed as part of the packet.
  - q. County Board Supervisor(s) no report.
12. FINANCES.
- i. Motion to approve Accounts Payable.  
**MOTION Supervisor Craig moved to approve Accounts Payable in the amount of \$81,918.16, seconded by Supervisor Reilly, motion carried.**
  - ii. Motion to approve Manual Checks.  
**MOTION Supervisor Reilly moved to approve manual checks in the amount of \$3,400.92, seconded by Supervisor Craig, motion carried.**
13. MINUTES.
14. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's

discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

**No public comments.**

15. NEXT TOWN BOARD MEETING IS SCHEDULED FOR JANUARY 7, 2010.

16. **MOTION TO GO INTO CLOSED SESSION.** Chairperson Michalek read the following: "Consideration and possible action on a motion to convene into executive session under Wis. Stats. 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, specifically issues regarding the Intermunicipal Agreement for Creation of a Joint Fire Department and a Joint Fire Board and a Joint Fire Commission between the Village of Big Bend, and Town of Vernon (Hereafter referred to as Intermunicipal Agreement). Included in Closed Session Town Board Members, Town Clerk. Motion needs a roll call vote.

**MOTION Supervisor Reilly moved to go into Closed Session as stated by Chairperson Michalek, seconded by Supervisor Barikmo**

**ROLL CALL VOTE**

Chairperson Michalek	Yes
Supervisor Reilly	Yes
Supervisor Bird	Yes
Supervisor Barikmo	Yes
Supervisor Craig	Yes

**Motion carried.**

**Town Board entered Closed Session.**

17. **MOTION TO RECONVENE IN OPEN SESSION.** Reconvene in open session to consider taking action on those matters discussed in Closed Session including but not limited to issues regarding the Intermunicipal Agreement.

Chairperson Michalek asked for a motion to reconvene in open session.

**MOTION Supervisor Reilly moved to reconvene in open session as requested by Chairperson Michalek, seconded by Supervisor Barikmo**

**ROLL CALL VOTE**

Chairperson Michalek	Yes
Supervisor Reilly	Yes
Supervisor Bird	Yes
Supervisor Barikmo	Yes
Supervisor Craig	Yes

**Motion carried.**

Chairman Michalek asked for a motion to table item 9b.

**MOTION Supervisor Reilly moved to table item 9b, seconded by Supervisor Craig, motion carried.**

Chairperson Michalek asked for a motion to table item 9c.

**MOTION Supervisor Reilly moved to table item 9c, seconded by Supervisor Barikmo, motion carried.**

Chairperson Michalek stated reconvening in open session to consider taking actions on those matters in discussed in

Closed session including but not limited to issues regarding the Intermunicipal Agreement, "would accept a motion to give notice to the Big Bend Village Board dissolving the Town of Vernon's participating in the Big Bend – Vernon Fire Department per the provision of the "Inter-municipal Agreement for Creation of a Joint Fire Department and a Joint Fire Board and a Joint Fire commission between the Village of Big Bend and the Town of Vernon".

**MOTION Supervisor Reilly moved to give notice as stated by Chairperson Michalek, seconded by Supervisor Bird**

The Town Board agreed to send out a letter as soon as possible informing the town residents of the background and decision of the Town Board to dissolve the above referenced municipal agreement.

Chairperson Michalek asked for a roll call vote.

Supervisor Barikmo stated that all board members sign the letter which was unanimously agreed upon.

**ROLL CALL VOTE**

<b>Chairperson Michalek</b>	<b>Yes</b>
<b>Supervisor Reilly</b>	<b>Yes</b>
<b>Supervisor Bird</b>	<b>Yes</b>
<b>Supervisor Barikmo</b>	<b>Yes</b>
<b>Supervisor Craig</b>	<b>Yes</b>

**Motion carried.**

18. **MOTION FOR ADJOURNMENT.**

**MOTION Supervisor Reilly moved to adjourn, seconded by Supervisor Craig, motion carried.**

**Meeting adjourned at 12:22 a.m.**

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Marie V. Kumershek  
Town of Vernon Clerk  
Waukesha County

APPROVED:

As printed ( )  
With amendments ( )

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Frederick J. Michalek, Chairperson

Date: \_\_\_\_\_