

**MINUTES  
REGULAR MEETING  
VILLAGE OF CRIVITZ BOARD OF TRUSTEES  
February 20, 2007**

**Public present:** Marie Tomaszewski (Peshtigo Times), Audrey Kosmeder and Robert Kosmeder

1) **Call to Order:** The meeting was called to order at 7:30PM.

2) **Roll Call:** Members Present

President John Deschane	Trustee Duane Swanson
Trustee Trustee Dick Kaminski	Trustee Rich Porfilio
Trustee Jo Di Volk	

Members Absent: Trustee Janis Porfilio (Ill)  
Trustee Kurt Kostuch (employment related)

Also Present: Attorney Frank Calvert

Staff Present: Patrolman Craig Kasten  
Deputy Clerk/Treasurer Jean Behrendt

President Deschane declared a quorum present for the meeting. President Deschane also stated that he would be exercising his right to vote on agenda items.

- 3) **Adoption of Agenda:** Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, that the agenda be adopted as presented. Vote: Ayes 5. Motion carried.
- 4) **Minutes Approval:** Motion by Trustee Rich Porfilio seconded by Trustee Duane Swanson, that the minutes of the regular meeting of January 16, 2007 be approved as corrected. Vote: Ayes 5. Motion carried.
- 5) **Financial Report:** Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to accept the financial reports for all funds for the month of January as presented. Vote: Ayes 5. Motion carried.
- 6) **General Fund Vouchers:** Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to approve payment of general fund vouchers numbered 2320 through 2323 and 16102 through 16191, except for number 16188 and number 16173..

Discussion: Questions were raised regarding the amount due to Marinette County Highway Department for snow removal and sanding of roads. Trustees Duane Swanson and Dick Kaminski will research this billing and consequently the payment (Number 16473) was tabled for the time being. Deputy Clerk Jean Behrendt explained that the check (Number 16188) for Wiedemeier Garage was printed in error as it was an item to be approved by the Board before payment was issued.

Vote: Ayes 5. Motion carried

Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to approve payment from the general fund for the following:

Garbage disposal for the Village Hall	\$ 150.00 (not to exceed)
Crivitz Volunter Firefighters Association for radios	\$ 900.00
Advanced Protective Devices for vest for Officer Kastens	\$ 1,000.00 (not to exceed)
Marinette County Treasurer for tax roll fees	\$ 643.39
GCR Tires for Fire Dept. tire	\$ 607.88
Wiedemeier Garage for Public Works truck repairs	\$ 2,626.51

Discussion: The bill for GCR Tires for the Fire Department was briefly questioned and it was explained that it was for a tire damaged in the Sandstone fire. It was believed to be a front floatation tire

Vote: Ayes 5. Motion carried.

**6a) Water Fund:** Motion by Trustee Duane Swanson, seconded by Trustee Dick Kaminski, to approve payment of water vouchers numbered 3252 through 3255. Vote: Ayes 5. Motion carried.

**6b) Sewer Fund:** Motion by Trustee Duane Swanson, seconded by Trustee Dick Kaminski, to approve payment of sewer vouchers numbered 4123 through 4131. Vote: Ayes 5. Motion carried.

Motion by Trustee Duane Swanson, seconded by Trustee Dick Kaminski, to approve payment from the sewer fund to USA Bluebook in the amount of \$908.63 for Lift Station sump pump and controls. Vote: Ayes 5. Motion carried.

**6c) Other Vouchers:** Motion by Trustee Jo Di Volk, seconded by Trustee Duane Swanson, to approve payment of TIF District vouchers numbered 184 through 188 except for number 187.

Discussion: Trustee Volk indicated dissatisfaction regarding the sign for Dyer Park (Signs and Designs check number 187). President Deschane stated that Cindy from Signs and Designs had telephoned him regarding the sign and told him they will come and fix it. Apparently they had a bad tube of glue.

Vote: Ayes 5. Motion carried

**7) Committee & Department Reports:** Copies distributed.

**8) Comments from Pre-registered Citizens:** None

**9) Ordinance No. 2007-01:** (Finance) Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to adopt Ordinance No. 2007-01: An Ordinance Amending Section 2-1-4(h) of the Village of Crivitz Code of Ordinances Relating to Compensation of Election Inspectors.

Discussion: It was explained that the amendment was to raise wages for poll workers to \$6.50 and Supervisors to \$8 and hour. It was also stated that meals will be paid for by the Village.

Vote: Ayes 5. Motion carried

**10) Ordinance No. 2007-02:** (Public Works) Motion by Trustee Dick Kaminski, seconded by Trustee Duane Swanson, to adopt Ordinance No. 2007-02: An Ordinance Holding Property Owners Responsible for Damages Caused to Roadways by Contractors Working at their Properties. Vote: Ayes 5. Motion carried.

**11) Mira Ave. Project Bid Award:** (Public Works) Motion by Trustee Dick Kaminski, seconded by Trustee Duane Swanson, to award the bid of \$49,389.60 for the Mira Ave. project to Potts Construction, to be funded by the TIF District.

Discussion: Trustee Rich Porfilio questioned whether money had been set aside for this project and was assured that it has been. Trustee Jo Di Volk wanted to know how much of Mira Avenue was included and President John Deschane said that it would extend to Myszka's driveway. Trustee Dick Kaminiski said that they would be requesting a change in the contract with Potts Construction to remove the grass planting change (savings of approximately \$3000.00) Atty. Frank Calvert stated that the motion could be approved as written and the change in the contract could be discussed with Potts Construction at the time the contract was to be signed.

Vote: Ayes 5. Motion carried

- 12) Police Policy & Procedure Manual** (Public Safety) Motion by Trustee Rich Porfilio, seconded by Trustee Jo Di Volk, to accept the updated Police Policy & Procedure Manual. .

Discussion: Trustee Duane Swanson expressed concern over the change in the "ride along" policy for the police department. Relatives can ride along but must be over 16 years of age in the event of a chase the "ride along" must be dropped off before the chase can begin. Also family members do not have to have signed permission. All others, except for rare exceptions, must submit to the chief the reason for the request to "ride along". Patrolman Craig Kasten stated that it was a policy taken from the Appleton Police Departments policy manual and that the Appleton Department is very highly regarded in the state of Wisconsin. President John Deschane commended Patrolman Kasten on the good job he had done on the revision to the Police Policy & Procedure Manual. Jo Di Volk concurred. There were no changes required to the Police Policy & Procedure Manual and it was approved as presented.

Vote: Ayes 5. Motion carried

- 13) Part-Time Employee:** (Parks & Recreation) Motion by Trustee Dick Kaminski, seconded by Trustee Rich Porfilio, to establish the position of a part time employee for groundskeeping and other similar duties at \$7.00 per hour not to exceed 600 hours per year, and to advertise for applicants. Vote: Ayes 5. Motion carried.
- 14) 125<sup>th</sup> Anniversary Celebration:** (Parks & Recreation) Motion by Trustee Dick Kaminski, seconded by Trustee Rich Porfilio, to appoint Ginger Deschane as Chair and Jo Di Volk as Village Board Representative to the 125<sup>th</sup> Anniversary Celebration Committee. .

Discussion: Trustee Jo Di Volk said that she had been asked by someone but she could not remember who it was (Trustee Rich Porfilio stated that he had overheard the question and it was a person from the Sister City organization) why the Board was appointing a chairman of this committee. Since the Board had stated that they did not want to run it why would they appoint the chairman. President John Deschane stated that this appointment was just to give the committee a point person and that many organizations will probably want to be involved and that all should have the opportunity to contribute to the celebration.

Vote: Ayes 5. Motion carried

- 15) Ayres & Associates General Engineering:** (Public Works) Motion by Trustee Dick Kaminski, seconded by Trustee Duane Swanson, to accept the 2007 general consulting and engineering contract with Ayres & Associates.

Discussion: Trustee Rich Porfilio asked if any other engineering firms had been contacted for the prices as we seem to be spending a large sum with Ayres. It was stated that this is just for miscellaneous smaller projects and is in essence a price list of their services.

Vote: Ayes 5. Motion carried

**16) Flea Market Agreement:** (Whole) Motion by Trustee Rich Porfilio, seconded by Trustee Jo Di Volk, to amend the Memorandum of Understanding with St. Mary's Church for the flea market to include insurance for damages to St. Mary's property during the events, and require immediate reporting of such incidents to the Finance Committee. Vote: Ayes 5. Motion carried.

**17) Dyer Business Park Restrictive Covenants – Sign Placement:** (Whole) Motion by Trustee Jo Di Volk, seconded by Trustee Rich Porfilio, to amend Section 9, Paragraph D of the Dyer Business Park Restrictive Covenants to allow Wolverine Outfitters, Lots 9 & 10, to install a sign not to exceed 30 feet in height and 100 square feet in size.

Discussion: Trustee Jo Di Volk stated that Wolverine Outfitters was very considerate regarding the sign placement. It will not be blocking anyone's view of the other businesses.

Vote: Ayes 5. Motion carried

**18) Operators Licenses:** (Finance) Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to issue an operators license effective 2/20/07 through 6/30/08 to Ryan Weber, who has received a satisfactory criminal records check. Vote: Ayes 5. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**President's Corner:** President Deschane commended Charlie DeSmidt for his generosity during the Sandstone fire. Charlie's Island Café provided food for the fire fighters and declined any payment. Charlie also submitted ideas for a redesign of Triangle Park which will be considered along with a design from Natalie Worley (art teacher at the school). Both designs showed much creativity and after the Parks and Recreation Committee considers the subject it will be submitted to Ayres for a professionally designed Park as it is the first impression most people have of the Village of Crivitz. Trustee Rich Porfilio asked why the Village couldn't do the final plan but it was thought a professional design would be preferable. Dick Kaminski wondered if the Information Booth could be moved there.

Thanks to the Fire Department for their work on getting the ice rink ready to be used.

President John Deschane toured the Mega Center and complimented it on its facility and activities that it offered to the Village.

Crivitz Business Association Meeting will meet per President Deschane at the Village Hall Wednesday February 21 at 8:30am and all Trustees are invited to attend.

**CORRESPONDENCE:**

**Food Pantry:** A Thank-you letter.

**CRA/CBA:** An invitation to the 2007 banquet to be held March 19<sup>th</sup>, 2007.

**Attorney Memos:** Regarding Crivitz Floral CSM, River Setbacks, USH 141 Re-Zoning and Drainage Issues

Discussion: Attorney Frank Calvert stated that there are some problems with the Crivitz Floral CSM due to proximity to the railroad property and set backs of the existing buildings to the proposed lot lines. Some of these conditions were present when the present owner purchased the property.

Attorney Calvert stated that the river setbacks are determined by the DNR and any decisions we made would have to be in accordance with theirs and the State of Wisconsin's regulations.

Attorney Calvert stated there was no problem rezoning and that the current setback regulations along Hwy 141 are adequate. There was concern over businesses encroaching too close to the Hwy and blocking other businesses advertising. Attorney Calvert suggested that Glen Franzen mark the current setbacks and have the Trustees review them. He felt that they would be surprised at the location of the current setbacks. He did not recommend a 50' setback because that would put other developments out of compliance, including Dyer Park.

**DBP Expenses:** Updated master expense ledger – just for informational purposes. An updated “Encumbered & Unencumbered Funds” worksheet for the TIF District will be submitted shortly – also just for informational purposes.

### **QUESTIONS FROM THE FLOOR:**

Audrey Kosmeder asked for clarification of Ordinance 2007-02 regarding damage by contractors and it was explained to her satisfaction. She also brought up a concern over a sign on the Hwy 141 advertising a restaurant that is no longer open. It was stated that the property owner was responsible for signs on their properties and that the DOT collects fees every year for such signs.

**Recess to Closed Session:** Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to recess to closed session for the purpose of discussing a potential litigation issue with the Village Attorney. Vote: Ayes:5, Motion Carried. President Deschane stated that the Closed session procedure is in compliance with WI Statute sec. 19.85(1)(g), which states that “Any meeting of a governmental body...may be convened in closed session under one or more of the exemptions provided in this section. (g) Conferring 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.”

**Reconvene in Open Session:** Motion by Trustee Rich Porfilio, seconded by Trustee Duane Swanson, to return to open session. Vote: Ayes: 5. Motion carried.

**President Deschane announced that there was no action taken in closed session.**

**ADJOURNMENT:** Motion by Trustee Duane Swanson, seconded by Trustee Rich Porfilio, that the meeting be adjourned at 8:55PM. Vote: Ayes 5. Motion carried.

Respectfully submitted,

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John J. Deschane, President

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Jean Behrendt, Deputy Clerk/Treasurer