

Special Village Board Meeting
1:30 P.M., July 24, 2008
Paul J. Bertschinger Community Center

APPROVAL PENDING

Present: President Nancy Fisher, Bob Dickson, Herb Mueller, Mike Fitzgerald, Chris Anderson, Attorney William Vande Castle, and Administrator Josh Van Lieshout.

Also present: Jim Smith, Jack McCoy, Steve Schaefer, Rocky Fairchild, Peter Devlin, Karl Klug, Steve Smith, Nancy Bills, Ken Mathys, Sr.,

President Fisher called the meeting to order at 1:30 P.M. with roll call and Pledge of Allegiance to the Flag.

1. **Approval of Agenda.** Dickson moved to adopt the agenda, seconded Fitzgerald. Motion passed unanimously.

2. **Open Session.** Karl Klug commended the Village for work on the marina. Klug inquired "how is this improvement project going to be financed, by users, Village residents or both." He stated he doesn't expect an immediate answer.

Steve Schaefer – congratulated the Village on the award of grant from Water Ways Commission. Distributed drawing with concerns extension of break wall into 100 feet into Peninsula Shores riparian zone. Schaefer distributed calculations to reducing the break wall by 50 ft. in length would be \$1M compared \$32,500 in revenues. As a result the cost is greater than the revenues by \$18,052 per foot of length per year. Also mentioned the concern of the neighbor to the north and suggest moving the pier 10'ft to the south from the north property line and cut another 10 ft. in length in addition to the 50 feet previously suggested. Schaefer stated, "The direct legislation addresses these concerns as well as the funding. The electorate is looking for information on the cost. Also asked is it an option to pull the cap and put the fill in and recap the dock?"

Jim Smith, representing Bonnie Cady, spoke with concern to move the design away from her property by 10 ft. His concern is to meet the appeal time following the WDNR June 30 hearing. Van Lieshout addressed the issue stating, "after consulting the engineers, it is not an option to pacify the property owners on both sides."

Rocky Fairchild asked was anyone here when the marina was first built? Herb Mueller was. Fairchild stated communications have not been good then also. At that time the south property line of the Cady family was infringed on without the knowledge of the Cady family.

3. **Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(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; regarding a petition for direct legislation requiring binding referendum prior to construction of any capital project exceeding one million dollars and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.**

At 2:04 P.M. Fisher moved to go into closed session as stated above, seconded Fitzgerald. Motion passed unanimously.

Open session resumed at 3:00 P.M.

4. **Consider petition for direct legislation requiring binding referendum prior to construction of any capital project exceeding one million dollars**

President Fisher stated because we want input from all the electorate, moved that per State Statute 9.20(4) a referendum will be on the November 4 ballot which states, "prior to the start of any physical construction of any municipally financed (in whole or in part) project requiring a Village capital expenditure of \$1 (one) million or more, the Village Board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the Village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location and cost of the project. Nothing in this provision shall be construed to preclude the Village from exercising its role in the planning or design of such publicly financed projects. This ordinance shall be in full force and effect upon passage and publication as provided by law, seconded Fitzgerald. Motion passed unanimously.

5. **Consider nonbinding referendum issues regarding capital improvements** No Action.

6. **Open Session** None.

7. **Adjournment.** Fisher moved to adjourn, seconded Mueller. Motion passed unanimously. Meeting adjourned at 3:03 p.m.

Recorded by,

Patricia C. Gureski,
Clerk-Treasurer