

Village of Sturtevant  
Proceedings from the Regular Board Meeting September 2, 2008

President Steven Jansen called meeting to order at 6:01 PM with the Pledge of Allegiance. Present were Trustees G. Johnson, Wright, Lynaugh, J. Johnson, Busha, Klinkosh, and President Jansen. Trustee Busha was absent. Also present was Public Works Supervisor Stachowski, Acting Director of Public Safety Marschke, and Administrator Janiuk.

**PUBLIC HEARING**-Public Hearing in regard to the vacation of a portion of the road right of way for Enterprise Drive.

President Jansen called the Public Hearing to order at 6:02 PM.

Trustee Klinkosh made a motion to close the Public Hearing at 6:31 PM. Seconded by G. Johnson. Motion carried by voice vote.

**MINUTES**- Trustee J. Johnson made a motion to accept the Minutes from the Board Meeting that took place on August 19, 2008. Seconded by Wright. Motion carried by voice vote.

**CORRESPONDANCE** –Clerk Hanstad reported that a preliminary estimate of population for the Village of Sturtevant, as of January 2008, is 6,354. This figure represents a population change of 1,067 persons (20.2 percent) since the 2000 Census. These figures were supplied by the Wisconsin Department of Administration.

Clerk Hanstad informed the Board that The Wisconsin Department of Transportation has scheduled a meeting regarding the 2009-2014 Highway Improvement Program for Monday, September 8, 2008 from 3:00 pm to 6:00 pm at the State Office Building in Waukesha.

#### COMMITTEE REPORTS

**PUBLIC SAFETY & HEALTH**- Trustee Klinkosh went over the Monthly Police and Fire Department Reports for August 2008. Report on file with Clerk.

Trustee Klinkosh went over items discussed at the August 26, 2008 Committee Meeting. Residents presented concern over a group home located on 91<sup>st</sup> Street. Committee decided to hold over discussion of Loitering at the Depot / Rules for Village Owned Properties.

**FINANCE & BUDGETARY**- Trustee Lynaugh presented minutes from the August 26, 2008 Committee Meeting. Committee reviewed checks for payment. Committee discussed the Lease Agreement and the Kaerek Home Claim-Weed Removal and Halmo Claim. Denial of both of these claims will go in front of the Board as Resolutions this evening. Treasurer Freiburger presented the Financial Report for July 2008. Minutes on file with Clerk.

**PUBLIC WORKS & CAPITAL IMPROVEMENTS**- Trustee G. Johnson reviewed minutes from the Committee Meeting that was held on August 26, 2008 meeting. Committee discussed Crack filling on West Road. A Resolution will go in front of the Board this evening. Also discussed was the Broadway Drive Reconstruction. A Resolution approving certain work for this project will go in front of the Board this evening. Also discussed was the Bike Lane Striping on 90<sup>th</sup> Street. A Resolution will go in front of the Board this evening. Minutes on file with Clerk.

**ECONOMIC DEVELOPMENT AND REDEVELOPMENT**- Trustee G. Johnson had nothing to report.

ADMINISTRATION, PERSONNAL, AND LEGAL- Trustee J. Johnson presented topics discussed at the August 26, 2008 Committee Meeting. The Committee discussed Ordinance 2008-18, an Ordinance to Create Section 7.13 of the Code of Ordinances of the Village of Sturtevant, Relating to Neighborhood Electric Vehicles. This Ordinance will go in front of the Board for third reading tonight and possible adoption. Minutes on file with Clerk.

STORM WATER & WASTEWATER- Trustee Wright reviewed minutes from the August 26, 2008 Committee Meeting. Committee discussed the Drainage Problem at 3640 Princeton Way. Committee decided to hold over discussion of Chapter 15. The Committee discussed Ordinance 2008-19, An Ordinance by the Storm and Wastewater Committee to Amend Section 13.10 of the Code of Ordinances for the Village of Sturtevant, Racine County, Wisconsin, and Relating to Sewer Service Charges. This Ordinance will go in front of the Board for first and second reading this evening. Also discussed was Storm Water Drainage at the Sturtevant Depot. Resolution authorizing drainage improvements will go in front of the Board this evening. Minutes on file with Clerk.

COMMUNITY EVENTS, BEAUTIFICATION & CULTURAL- Trustee Busha presented minutes from the Committee Meeting that was held on August 26, 2008. Committee discussed the July 3<sup>rd</sup> Fireworks Event, Friends of Kirkorian, Pavilion Restrooms, Historical Society, Marketing Brochure, Newsletter, and Priorities in Park Accounts Spending. Also discussed was Trick-or-Treat / Bonfire. Committee agreed that trick-or-treat will be from 5:00 PM to 7:00 PM followed by the costume contest and bonfire at Firemans Park from 7:30 PM to 8:30 PM on Friday, October 31, 2008. Minutes on file with Clerk.

ENGINEER- Engineer not present. Report on file with Clerk.

REPORT FROM ACTING DIRECTOR OF PUBLIC SAFETY – Acting Director of Public Safety Marschke thanked Trustees and President Jansen for their support of him and his family.

Acting Director of Public Safety Marschke informed the Board that the Sturtevant Police Department have been busy with enforcement

REPORT FROM PUBLIC WORKS DIRECTOR- Public Works Supervisor Stachowski presented his report. Report on file with Clerk.

Public Works Supervisor Stachowski informed the Board that he had attended a meeting with representatives from the Department of Transportation. Representatives mentioned the possibility of extending the current Highway 11 project from 90<sup>th</sup> Street to 85<sup>th</sup> Street.

Public Works Supervisor Stachowski mentioned that a change order for the 90<sup>th</sup> Street construction project has been submitted to add the painting of “Stop Ahead” to the street area before the stop sign intersection at 90<sup>th</sup> Street and Mount Pleasant Avenue.

Public Works Supervisor Stachowski notified the Board that an individual backed over the parking gates at the Sturtevant Depot.

Public Works Supervisor Stachowski informed the Board that the hours at the recycling center have changed. The recycling center will be open on Monday and Wednesday from 10:00 am to 5:30 pm, and Saturday from 10:00 am to 2:00 pm.

REPORT FROM ADMINISTRATOR- Administrator Janiuk stated that he has supplied the Board with a copy of his Monthly Administrator Report. Report on file with the Clerk.

Administrator Janiuk talked about the Yocco et. al litigation. Administrator Janiuk mentioned that the trial is not complete since there is a witness that will need to testify on Wednesday, September 3, 2008. A decision isn't expected for at least sixty days.

Administrator Janiuk referenced the two budget transfer that he prepared for Resolution 2008-67, A Resolution by the Finance and Budgetary Committee Authorizing the Transfer of Funds (Transfer # 3 and # 4).

OPEN FLOOR- Trustee J. Johnson made a motion to suspend the rules to go into public comment. Seconded by Lynaugh. Motion carried by voice vote.

Dan Doperlaski, 3720 Republic Avenue, Racine, Wisconsin, expressed concern over the contractor awarded the contract for the 2008 Sidewalk Program. Mr. Doperlaski encouraged the Board to look at the next lowest bidder.

Sean Waiss, 9437 Hawthorne Drive, mentioned that he is the current President for the Chicory Creek Homeowners Association. Mr. Waiss expressed concern over a contractor dumping soil into the nature preserve on Jasmine Court. Mr. Waiss mentioned that a business was caught illegally using a Fire Hydrant in the Chicory Creek Subdivision. Mr. Waiss questioned the policy for weed control in the Village of Sturtevant. Mr. Waiss mentioned that there has been some vandalism to the partially completed homes in the Chicory Creek Subdivision. Mr. Waiss mentioned that Neumann Homes is scheduled report to bankruptcy court on September 3, 2008. Mr. Waiss expressed concern over cars not stopping at the stop sign on 90<sup>th</sup> Street and Broadway Drive.

RESUME MEETING- Trustee Klinkosh made a motion to resume the meeting. Seconded by J. Johnson. Motion carried by voice vote.

PAY BILLS – Trustee Lynaugh made a motion to pay all bills approved by the Finance Committee. Seconded by J. Johnson. Motion carried by voice vote.

ORDINANCE: Trustee J. Johnson made a motion to suspend the rules for the third reading of Ordinance 2008-18 by title only. Seconded by Wright.

ROLL CALL: J. Johnson aye, Lynaugh aye, Klinkosh aye, Busha aye, G. Johnson aye, Wright aye, Jansen aye. Motion carried 7-0 vote.

*ORDINANCE NO. 2008-18*

*AN ORDINANCE TO CREATE SECTION 7.13 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT, RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES*

Trustee J. Johnson moved for the adoption of Ordinance 200-18. Seconded by Lynaugh.

ROLL CALL: G. Johnson aye, Busha aye, Lynaugh aye, Wright aye, J. Johnson aye, Klinkosh aye, Jansen aye. Motion carried 7-0 vote.

ORDINANCE: Trustee J. Johnson made a motion for the first reading of Ordinance 2008-19 to read by title only. Seconded by Klinkosh. Motion carried by voice vote.

*ORDINANCE NO. 2008-19*

*AN ORDINANCE BY THE STORM AND WASTE WATER COMMITTEE TO AMEND SECTION 13.10 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT, RACINE COUNTY, WISCONSIN, RELATING TO SEWER SERVICE CHARGES*

Trustee J. Johnson made a motion to suspend the rules for the second reading of Ordinance 2008-19 by title only. Seconded by Klinkosh.

ROLL CALL: Busha aye, Klinkosh aye, Wright aye, J. Johnson aye, Lynaugh aye, G. Johnson aye, Jansen aye. Motion carried 7-0 vote.

*ORDINANCE NO. 2008-19*

*AN ORDINANCE BY THE STORM AND WASTE WATER COMMITTEE TO AMEND SECTION 13.10 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT, RACINE COUNTY, WISCONSIN, RELATING TO SEWER SERVICE CHARGES*

Ordinance 2008-19 referred back to the Storm & Wastewater Committee.

RESOLUTIONS: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolutions 2008-65, 2008-66, 2008-69, 2008-70, and 2008-71 and read by title only. Seconded by Klinkosh.

ROLL CALL: Lynaugh aye, Klinkosh aye, G. Johnson aye, Wright aye, J. Johnson aye, Busha aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2008-65  
RESOLUTION BY THE FINANCE AND BUDGETARY COMMITTEE DENYING THE  
CLAIM OF KAEREK HOMES*

*RESOLUTION 2008-66  
RESOLUTION BY THE FINANCE AND BUDGETARY COMMITTEE DENYING THE  
CLAIM OF HALMO*

*RESOLUTION 2008-69  
RESOLUTION BY THE PUBLIC WORKS AND CAPITAL IMPROVEMENTS COMMITTEE  
AUTHORIZING CERTAIN WORK IN REGARD TO THE BROADWAY DRIVE  
RECONSTRUCTION PROJECT*

*RESOLUTION 2008-70  
RESOLUTION BY THE PUBLIC WORKS AND CAPITAL IMPROVEMENTS COMMITTEE  
OFFICIALLY DESIGNATING THE PORTION OF 90<sup>TH</sup> STREET BETWEEN BROADWAY AND STH 11 AS  
A VILLAGE OF STURTEVANT BIKE ROUTE*

*RESOLUTION 2008-71  
RESOLUTION BY THE STORM AND WASTEWATER COMMITTEE AUTHORIZING CERTAIN  
DRAINAGE IMPROVEMENTS AT THE STURTEVANT DEPOT*

Trustee J. Johnson moved for the adoption of Resolutions 2008-65, 2008-66, 2008-69, 2008-70, and 2008-71. Seconded by Klinkosh. Motion carried by voice vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2008-67 and read by title only. Seconded by Klinkosh.

ROLL CALL: Wright aye, G. Johnson aye, Lynaugh aye, Klinkosh aye, J. Johnson aye, Busha aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2008-67  
RESOLUTION BY THE FINANCE AND BUDGETARY COMMITTEE AUTHORIZING THE  
TRANSFER OF FUNDS (TRANSFER # 3 AND # 4) IN THE 2008 BUDGET*

Trustee J. Johnson moved for the adoption of Resolution 2008-67. Seconded by Klinkosh.

ROLL CALL: Klinkosh aye, Lynaugh aye, Busha aye, G. Johnson aye, Wright aye, J. Johnson aye, Jansen aye. Motion carried 7-0 vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2008-68 and read by title only. Seconded by G. Johnson.

ROLL CALL: Busha aye, G. Johnson aye, Klinkosh aye, Lynaugh aye, J. Johnson aye, Wright aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION NO. 2008-68  
RESOLUTION BY THE PUBLIC WORKS AND CAPITAL IMPROVEMENTS COMMITTEE  
AUTHORIZING PAYMENT OF AN INVOICE FROM THE VILLAGE OF MT. PLEASANT IN THE AMOUNT  
OF \$2,197.34 FOR CRACK SEALING SERVICES ON WEST ROAD*

Trustee J. Johnson moved for the adoption of Resolution 2008-68. Seconded by Klinkosh. Motion carried by voice vote.

ROLL CALL: Lynaugh aye, J. Johnson aye, Wright nay, Busha aye, G. Johnson aye, Klinkosh aye, Jansen aye. Motion carried 6-1 vote.

OLD BUSINESS- None at this time.

NEW BUSINESS- Acting Director of Public Safety Marschke mentioned that the Sturtevant Police Department and Fire Department have been invited to the block party on Majestic Hills Drive on Saturday, September 6, 2008.

ADJOURN- Trustee G. Johnson made a motion to adjourn at 7:38 PM. Seconded by J. Johnson. Motion carried by voice vote.

Drafted this 2<sup>nd</sup> day of September, 2008  
Approved this 16<sup>th</sup> day of September 2008

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Mary Hanstad, Clerk/Deputy Treasurer

**TERMS AND CONDITIONS/ CONDITIONAL USE**  
**PERMIT- A&B TAX SERVICE**

9-15-08

THAT THE REQUEST BY A&B TAX SERVICE AND ANTHONY DARGA SEEKING A CONDITIONAL USE PERMIT TO OPERATE AN OFFICE THAT HANDLES INCOME TAX PREPARATION, REAL ESTATE APPRAISAL, AND FINANCIAL PRODUCT SALES AT 9305 DURAND AVE. BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans and documentation presented to the Plan Commission on September 11 ,2008 be approved subject to the conditions contained therein and subject to the conditions contained herein.
- b. That all appropriate building and occupancy permits be requested from the Building Inspection Department.
- c. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales.
- d. That the maximum hours of operation be from 9:00 a.m. – 9:00 p.m. and by appointment only Mon – Sat. and no other operations outside of the maximum hours of operation.
- e. That the outside storage of junked vehicles, semi trailers, recreational vehicles, vehicle parts, materials and equipment be prohibited.
- f. That A&B Tax Service and Anthony Darga shall provide that:
  1. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes

be made from the conditions of this permit without the approval of the Village Board.

- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- j. That A&B Tax Service and Anthony Darga may have a sign installed at the following location: at least 15 feet south of the Durand Avenue sidewalk and 15 feet east of the driveway. All signs shall be required to be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Building Inspector.
- k. That this permit shall terminate unless substantial work is commenced within 6 months of the granting of this permit.
- l. That A&B Tax Service and Anthony Darga shall reimburse the Village for all of the Village's out of pocket expenses related to the review and approval process through the planning commission. A&B Tax Service and Anthony Darga agree that no occupancy permits shall be issued until said payment is made to the Village.