

**VILLAGE OF LANNON**  
**MINUTES OF THE PLAN COMMISSION/VILLAGE BOARD MEETING FROM 12/16/21**

1. Call to order by presiding officer. Trustee Nellis called the meeting to order at 6:30 p.m. in President Sommer's absence.
2. Pledge of Allegiance was recited.
3. Roll Call: Plan Commission: Nellis, Grim, Yates, Payleitner, Bembenek and Janas were present. Sommers absent.  
Village Board: Jensen, Martin, Nellis, Reek, and Yates were present. Sommers absent.
4. Statement of Public Notice was confirmed.
5. Plan Commission Discussion only regarding a conceptual plan for 7291 N. Lannon Rd. No materials available. Payleitner/Janas to table item. Motion carried unanimously.
6. Discussion and possible action for a modification to Phase III of the Rock Pointe Village including amendments to the development agreement, site plan as well as other possible documents to include that addition of a 7<sup>th</sup> building. John Macy was available and summarized the project. Engineer Ben Wood summarized the site plans. 279 were allowed, the old site plan was 264 so it was below the threshold. Density 9 units per acre still fits their site plan. Increase landscaping with berm and plantings to block headlight glare. The additional units will not overwhelm the lift station or affect the easement for lift station. Mr. Grim stated when we do this motion, we should look at inspecting the landscaping as it is being put in. Revise landscaping plan showing planting. That should happen village wide. Verify what is submitted is put in. Janas concerned with garage building row. Grim/Yates motioned to recommend to the Village Board approval of changes to Rock Pointe and to include complaint procedure presented at meeting. The Village of Lannon Village Board approve that a seventh building be authorized in Phase 3 of the Rock Pointe Village, approve the financial incentives as requested are approved, and that the Village Staff prepare the necessary documents to accomplish the same and that the Village President, Village Clerk and any other needed Village staff are authorized to sign said documents, subject to the following conditions: Amendment of the Developers agreement to include seventh building in Phase 3 as requested by the Developer; Amendment to the Developer's agreement and any other documents to remove the Elderly Housing component of the project; Amendment of the site plan as presented at the meeting by the Developer; Amendment of the Developer's agreement to include the complaint procedure as presented at the meeting as requested by the Developer; Amendment of the Developer's agreement and MRO to include the financial incentives as requested by the Developer; That an independent ecologist determines if the project's landscaping is currently in compliance with the approved landscaping plan Before any building permits be issued for the Phase 3, the developer must submit a detailed landscaping plan for Phase 3 showing detailed species and size to the village which will be subject to review and recommendation of the Village of Lannon Plan Commission to the Village of Lannon Village Board and approval of the Village of Lannon Village Board approval. Motion carried unanimously.
7. Discussion and possible action regarding color selection for the Custer Lane Lift Station. Yates/Grim motioned to authorize Trustee Nellis to make final stone and color selections based on input from Plan Commission. Motion carried unanimously. Nellis abstained.
8. Adjourn Plan Commission. Grim/Nellis motioned to adjourn Plan Commission at 7:14 p.m. Motion carried unanimously.
9. Discussion and possible action on the reading, correction, and approval of the minutes from the Village Board meeting from 11/8/21. Yates/Martin motioned to approve the meeting minutes from 11/8/21. Motion carried unanimously.
10. Committee Reports:
  - a. Finance/Personnel – pay bills and ARPA meeting next week.
  - b. Legislative - none
  - c. Parks and Recreation/Beautification - None
  - d. Public Safety - none
  - e. Public Works/Recycling/Sewer – Menomonee Falls will cease the contract for plowing next year and also water and sewer may be affected. We will be putting that out in the future. Water project – the quarry fund has paid out 2.5 million on behalf of Village Residents for infrastructure. How far will it go, we are unsure. There may be a contingency fund and they will discuss that in the future.
  - f. Quarry - none
11. Department Reports:
  - a. Clerk's Office – Last day to vote absentee is tomorrow at 5:00 p.m. in the office. Polls will open at 7:00 a.m. to 8:00 p.m. next Tuesday. Office hours over the holiday will vary, call ahead.
  - b. Police Department – reports submitted and posted online.
12. Citizens Comments:

(This is meant for Public Comments on any subject, without any discussion by Board of Trustee members or action, except for possible referral to a governmental body or Village agent). (Except as otherwise allowed by motion of the Board, citizen comments will be limited to 3 minutes per person although written comments of any length may be submitted prior to the meeting to the Village Clerk.)

Mike Muehlbauer – Berms on phase I still sees every car leaving at night. Comes through the window at night. Traffic, the speed limit needs to go down, hitting houses.

Janet Muehlbauer – speed limit should be down to 30 because there are more residents. Thursday morning – 614 vehicles in an hour. If the speed limit is lower they may not have hit their neighbors house.

Mary Madl – 7373 Vine St. The fliers back in 2020. Read notices regarding wells. DNR report from July 2021, no significant deficiencies, no problems in drinking water or cause health risks. System does not have financial budget or money in fund to support water system. Charts from samplings from 2015 to 2019 has had none in water samples for fecal matter, etc in drinking water. We don't have contaminated water in our wells. They had coliform and they had it in their well. Tested the well a week ago and it is fine and safe and they have not done anything differently.

Jim Willard – Overstone Dr. Citizen comments section, wish to abolish citizen comments. Why do you want to suppress what people have to say.

Mike Grim – W. Good Hope. All the Villages have Citizen Comments, it should stay there and the board members are to listen and not comment.

Cynthia Grim – Trash Company, more garbage on the days of garbage collection as ever. The bolster needs to be placed differently at Riot. Mud and stone on roads, hope it's not the same. Weather gets bad and roads get muddy and need to be swept.

Jake Jensen – 7328 Lake St. police cant be everywhere but with the new roads they are cruising down those roads a lot faster.

Helena Mathiak – Forest View Dr. do we have control over the speed limits, do we need to go to the county
13. Possible motion to enter into closed session pursuant to Wis. Stat. § 19.85 (1) (e) for the purpose of deliberating or negotiating, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with respect to Phase III of Rock Pointe Village located at approximately 19421 W. Main Street. Reek/Nellis motioned to go into closed session. Reek – no, Jensen- no, Nellis- no, Yates – no and Martin – no. Motion failed. Stay in open session. Mr. Macy stated they put it on closed session if you feel the need and that is fine. They are asking for the same financial

- agreement from other buildings. Phil Cossen could not make it so he wanted to say there is no change, impact from losing elderly and gaining the extra building is about the same. It's not one for one, new building is about 1.8 million vs the 5 million for elderly building. It is a Policy decision, are you willing to agree to the payout. Yates/Reek motioned to the terms presented by Special Counsel Macy. Motion carried unanimously.
14. Discussion and possible action for a modification to Phase III of the Rock Pointe Village including amendments to the development agreement, site plan, as well as other possible documents to include that addition of a 7<sup>th</sup> building. No action.
  15. Discussion and possible action to reappoint a Village Representative to the Joint Review Board for TIDS 1 & 2. Trustee Yates stated that he was the Village Representative for TID 1 and Tom Gudex was Representative for TID 2. Did not replace Gudex as he was not a board member anymore. Nellis/Reek motioned to table until the next meeting. Motion carried unanimously.
  16. Discussion and possible approval on Resolution to approve the State Trust Fund loan. Trustee Yates read the resolution into the record. Yates/Martin motioned to approve the resolution for the State Trust Loan. Reek – yes, Jensen – yes, Nellis- yes, Yates – yes and Martin – yes. Motion carried unanimously.
  17. Discussion and possible action to adopt the Laon Resolution related to the Water System Expansion Project as presented in RUS BULLETIN 1780-27 prepared by the USDA-RD in order to accept the USDA-RD Loan in the amount of \$4,998,000.00 that will be used to refinance the Village's interim financing, and to accept the USDA-RD grant in the amount of \$3,943,000.00. Engineer Ben Wood stated that the USDA submitted this language and we need to keep making payments to contractors. USDA takes over long term loan and pays out the contractors amount. This is part of the loan closing instructions issued by the USDA. Attorney Hector de la Mora recommended roll call vote. Hector will provide certification that it goes back to USDA. Reek/Yates motioned to accept the USDA Loan for water expansion project. Reek – yes, Jensen – no, Nellis – yes, Yates – yes and Martin – yes. Motion carried by majority roll call vote.
  18. Discussion and possible action to direct the Village Engineer to prepare a Change Order to Contract 2033 related to the private plumbing work associated with the Water Expansion Project that will extend the date of the Contract to June 30, 2022 for the purpose of completing surface restoration and well abandonment work, will authorize a dollar amount per property to accommodate work related to additional access to each property to abandon the well at a time that is separate from interior plumbing work, and to accommodate work related to completing the required cross-connection control survey on each property. Engineer Ben Wood stated that the contract was to expire on December 31<sup>st</sup> and would include the private plumbing conversions because it was intended that the well abandonment was going to happen at the same time. Since the board changed their mind in November, it puts the need to extend this contract due to scheduling. Change order for well abandonment additional \$160 per property because of time delays, price of materials and price of labor. Mid City will have to make an additional entry into each property for those who want well abandoned. Cross Connection control survey. Mid City was authorized to finish that to make sure there is none. State Codes needs to review fixtures. Asphalt, grass or contract restoration can't be done at this time of the year. Authorize Patrick to sign off on contract change after Ben drafts the change. \$160 for every well that will be abandoned. Where is that money coming from. Will that come from quarry, homeowner or some other source. This will be on the quarry fund committee. Yates/Nellis motioned to Authorize Village Engineer to draft that change order so that they can present it to the quarry committee fund and extend date to June 2022 for the additional \$160. Motion carried unanimously.
  19. Discussion and possible approval of CTW Corporation contract for the water system operations. Yates/Reek motioned to approve CTW contract for water system operations for 2022 and not extend without approval from the Board. Motion carried unanimously.
  20. Discussion and possible action to request Village of Menomonee Falls to extend Sewer Contract to expire in October 2022 with the Water Contract. Nellis/Yates motioned to ask Menomonee Falls to extend sewer contract to line up with the water contract expiration date. Motion carried unanimously.
  21. Discussion and possible approval on the application for license of Mobile Home Parks for Lannon Development Group LLC renewal. Yates/Reek motioned to approve the renewal for Lannon Estates. Motion carried unanimously.
  22. Discussion and possible approval of Election Inspectors for the next cycle. Nellis/Yates motioned to approve election inspectors. Motion carried unanimously.
  23. Discussion and possible action on application for payment by PTS Contractors for Contract 1-2021 Custer Lane Lift Station and Force Main. Nellis/Reek motioned to pay the amount stipulated. Motion carried unanimously.
  24. Discussion and possible action on application for payment by Vinton Construction Company for Contract 1-2021 Water Main System Extension. Pay Application 5 for approval gets them through pretty much the completion of the project. 4.5 million paid thus far. It has been approved by engineer then goes to USDA after board approval. Yates made it clear that we want plenty of retainage for the lack of restoration done in the Village thus far. Yates/Reek motioned to approve pay application. Motion carried unanimously.
  25. Discussion and possible action on amending the allowable hours for open burning in Lannon. Trustee Reek summarized our current ordinance that didn't include weekend burning. We are trying to get our ordinance more in line with the Menomonee Falls times. It expands the times allowed. Trustee Nellis read it for the record. 10:00 to 6:00 Tuesday, Thursday and Saturday. Yates/Martin motioned to approve. Motion carried unanimously.
  26. Discussion and possible action on Citizens Comment policy. Trustee Reek, contrary to the rumors we are not looking at getting rid of citizen comments. Want to change the slander and disrespect directed at the board and staff. Outline for citizen comments. UW extension regarding citizen input at public meetings. How to conduct them without disrespect. Reek read some things regarding what should be considered for public comments. Not trying to stop citizen comments just the comments being made to the board members. Nellis/Yates motioned to table. Motion carried unanimously.
  27. Discussion and possible action on issuing an exemption to Chris Barber and Kelly Jensen for son's Chlorine Allergy. Attorney de la Mora stated that President Sommers wanted this on the agenda to bring everyone up to date on this matter. There is a problem and there should be an avoidance of chlorine. ADA act the Village has the responsibility to be receptive to accommodate special needs and at the same time from a legal stand point he is concerned not because of distrust but because of the controversy we need to make a record as to why this exemption would be granted. Expert retained by Village and give reliable opinion to evaluate other applications should they come. What has been provided is what will be provided to the Village. He has expressed that there is a need they are trying to satisfy. The Village is left with a dilemma. How do we find a balance and make reasonable accommodations for those who need them and how do we vet those claims. The Village has a responsibility as does the applicant. Someone may feel they have provided enough but is it. He has talked with a specialist but has not gotten back regarding fees, etc and didn't want to get ahead of the board. You can accept what is submitted but when the next case arises you have to be fair. Exempt from connection. Would you be open to filtration systems, she feels it can fail with the blast. Independent 3<sup>rd</sup> party to review medical records. Should be a standard set and an opinion from a 3<sup>rd</sup> party. The boundary is being set for everyone not one person. Nellis/Reek motioned to table for further discussion and secure medical advisory and costs involved for future cases. Motion carried unanimously. Jensen abstained.

- 28. Discussion and possible action on payment of the bills. Yates/Martin motioned to pay bills with an additional precision bill. Motion carried unanimously.
- 29. Engineer's Report. Restoration complaints, the work has not been completed. If you want to call Isak you can but they will do another evaluation in the spring. Postcard to state where we are at and that we will be back. Well operation permit. If they want them abandoned, they are taking out the tanks but for the electrical they need to take well wires out of the box. Wires will be left if they decide to keep the well. They don't have capacity to take on more work to keep their well and do that work now. Ben is working on that form. 90 days to decide and keep well. Reek questioned the number of hold outs. Jensen is contacting people. Mid city has not updated those numbers. Parking lot was repaved today. They will move off site for ease of plowing.
- 30. Attorney's Report. None.
- 31. President's Report. None
- 32. Adjournment. Reek/Yates motioned to adjourn at 9:11 p.m.

<p>January 6, 2022 Respectfully submitted, Brenda Klemmer Village of Lannon Clerk/Treasurer</p>	<p>*Notice is hereby given that the Municipal Building is accessible to elderly and disabled persons.**Notice is also hereby given that members of other governmental bodies from the Village of Lannon may be present at this meeting to gather information about a subject on which they may have decision making responsibility and may constitute a quorum of that governmental body. No action by any of those governmental bodies, except the Village Board of Lannon, will be taken at this meeting.</p>
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