

**MINUTES**  
**REGULAR MEETING**  
**VILLAGE OF CRIVITZ BOARD OF TRUSTEES**

**Public present:** Carol & Candace Harley, Marlene Gerbenskey, Steven Klein, Vito Congine, Sr., Bill Keller, Jean & Cara Behrendt, MaryLou Porfilio, Dave & Marie Tomaszewski (Peshtigo Times), Zack Britton (Eagle Herald)

1) **Call to Order:** Pres. Deschane called the meeting to order at 7:30PM.

2) **Roll Call:** President John Deschane                      Trustee Duane Swanson  
Trustee Kurt Kostuch                                      Trustee Shirley Keller  
Trustee Dick Kaminski                                    Trustee Jo Di Volk  
Trustee Janis Porfilio

Attorney Frank Calvert  
Clerk/Treasurer Marilyn Padgett

Pres. Deschane declared a quorum present for the meeting.

3) **Adoption of Agenda:** Motion by Trustee Kaminski, seconded by Trustee Porfilio, that the agenda be adopted as presented. Vote: Ayes: 6. Motion carried.

4) **Minutes Approval:** Motion by Trustee Kaminski, seconded by Trustee Porfilio, that the minutes of the regular meeting of June 16<sup>th</sup> and Board of Review of July 15<sup>th</sup> be approved as presented. Vote: Ayes: 6. Motion carried.

5) **Financial Report:** Bypassed.

6) **General Fund Vouchers:** Motion by Trustee Kaminski, seconded by Trustee Porfilio, to approve payment of general fund vouchers numbered 2498 through 2500, and 18919 through 19042. Vote: Ayes: 6. Motion carried.

6a) **Water Fund:** Motion by Trustee Keller, seconded by Trustee Swanson, to approve payment of water fund vouchers numbered 3454 through 3459. Vote: Ayes: 6. Motion carried.

6b) **Sewer Fund:** Motion by Trustee Keller, seconded by Trustee Swanson, to approve payment of sewer fund vouchers numbered 4407 through 4414. Vote: Ayes: 6. Motion carried.

6c) **Other Vouchers:**

**Well #3 Project Fund:** Motion by Trustee Keller, seconded by Trustee Swanson, to approve payment of Well #3 Project fund vouchers numbered 1037 through 1038. Vote: Ayes: 6. Motion carried.

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

- 8) **Comments from Pre-registered Citizens:** None.
- 9) **Ordinance No. 2009-10:** (Development) Motion by Trustee Kostuch, seconded by Trustee Volk, to adopt Ordinance No. 2009-10: An Ordinance Amending Title 13 Chapter 1 Section 102 of the Village of Crivitz Code of Ordinances Relating to Sign Regulations. Vote: Ayes: 6. Motion carried.
- 10) **Dyer Business Park: Mira Ave. Sidewalks:** (Development) Motion by Trustee Kostuch, seconded by Trustee Volk, to contract with Richlen Concrete Foundations, Inc., for installing sidewalk on Mira Ave. in Dyer Business Park at a cost not to exceed \$1,655.00, to be funded by the TIF Future Projects account. Discussion: Trustee Kostuch stated this sidewalk will be on the south side of Mira Ave. Vote: Ayes: 6. Motion carried.
- 11) **Dyer Business Park: Unique Transitions Driveway & Sidewalk:** (Development) Motion by Trustee Kostuch, seconded by Trustee Volk, to contract with Richlen Concrete Foundations, Inc., for replacement of the curb and sidewalk at Unique Transitions in Dyer Business Park at a cost not to exceed \$1,695.00, to be funded from the Unique Transitions lot purchase payment retained by the TIF District. Discussion: The clerk was instructed to hold off on refunding the balance of the property purchase refund until the gutter work is done on the building. Vote: Ayes: 6. Motion carried.
- 12) **Misiewicz Fill Project – Richlen Excavating:** (Public Works) Motion by Trustee Swanson, seconded by Trustee Kaminski, to contract with Richlen Excavating for the Misiewicz fill project at a cost not to exceed \$4,000.00, to be funded from the Streets Contracted Services account of the general fund. Discussion: Trustee Swanson explained that this will complete the drainage ditch project in River Ridge South. Vote: Ayes: 6. Motion carried.
- 13) **Public Works Truck Repairs:** (Public Works) Motion by Trustee Swanson, seconded by Trustee Kaminski, to authorize repairs to the Public Works 1997 Chevy truck engine at a cost not to exceed \$600.00. Vote: Ayes: 6. Motion carried.
- 14) **Planning Commission:** Motion by Trustee Kostuch, seconded by Trustee Porfilio, to accept the appointment of Jo Di Volk, Chuck Larsen and Greg Behrendt to the Village of Crivitz Planning Commission. Discussion: Pres. Deschane explained that the commission is formed as part of the Comprehensive Plan. He will appoint 2 more members at the August meeting for a total of 5. Service on the commission is an unpaid position. Vote: Ayes: 6. Motion carried.
- 15) **Village Logo:** Motion by Trustee Kostuch, seconded by Trustee Porfilio, to accept the final design of the Village logo as submitted by Boyle Design Group. Discussion: The board reviewed a draft that was presented at the June meeting, a draft of subsequent changes, and the final logo draft. Vote: Ayes: 6. Motion carried.
- 16) **Crivitz Men's Softball League Picnic License:** (Finance) Motion by Trustee Kaminski, seconded by Trustee Porfilio, to add August 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup>, 2009, from 10:00am to 11:00pm each day to the Temporary Class B Fermented Malt Beverage license for the Crivitz Men's Softball League. Vote: Ayes: 6. Motion carried.

- 17) **Definition of “Residency” for Employment Purposes:** (Finance) Motion by Trustee Kaminski, seconded by Trustee Porfilio, to define the term “residency” for employment purposes as stated in WI Statutes sec. 6.10. Vote: Ayes: 6. Motion carried.
- 18) **2009 Budget Adjustment #2:** (Finance) Motion by Trustee Kaminski, seconded by Trustee Porfilio, to approve 2009 General Fund budget adjustment #2. Vote: Ayes: 6. Motion carried.
- 19) **2010 Budget:** (Finance) Motion by Trustee Kaminski, seconded by Trustee Porfilio, to set the 2010 budget at \$ 878,389.00. Vote: Ayes: 6. Motion carried.
- 20) **Park Bathroom Building Security:** (Parks & Recreation) Bypassed.
- 21) **J & M Displays Fireworks Contract:** (Parks & Recreation) Motion by Trustee Volk, seconded by Trustee Keller, to terminate the contract with J & M Displays, Inc., dated April 21, 2009 for fireworks displays. Vote: Ayes: 6. Motion carried.
- 22) **Forest Home Cemetery Mausoleum:** (Parks & Recreation) Motion by Trustee Volk, seconded by Trustee Keller, to contract with Richlen Concrete Foundations for repairs to the mausoleum steps at a cost not to exceed \$800.00. Vote: Ayes: 6. Motion carried.
- 23) **Cemetery Dirt:** (Parks & Recreation) Motion by Trustee Volk, seconded by Trustee Keller, to push excess dirt located at the north end of the cemetery down the snowmobile trail. Discussion: Trustee Volk explained that the dirt is on private property just north of the cemetery. The village had permission from the previous property owner to place the dirt there however, the current property owner wants it removed as soon as possible. An excavation contractor will need to be hired to push the dirt down the snowmobile trail. It is possible that St. Mary’s Church may share in the cost of moving the dirt, as they have placed some of the dirt there. Vote: Ayes: 6. Motion carried.
- 24) **Cemetery Flag & Tree Program:** (Parks & Recreation) Motion by Trustee Volk, seconded by Trustee Keller, to accept the “Village of Crivitz Forest Home Cemetery Avenue of Flags & Memorial Tree Program Policy” and corresponding order form. Vote: Ayes: 6. Motion carried.
- 25) **Weed Control:** (Parks & Recreation) Bypassed.
- 26) **Operators Licenses:** (Finance) Motion by Trustee Kaminski, seconded by Trustee Porfilio, to issue operators licenses effective 07/21/2009 through 6/30/2010 to Nathan Olive, Lynn Thompson and Cynthia Wilund, who have received satisfactory criminal records checks. Vote: Ayes: 6. Motion carried.
- 27) **USH 141 Culvert Replacement Project:** (Public Works) Motion by Trustee Swanson, seconded by Trustee Kaminski, to award the bid for the USH 141 culvert replacement project to DMK, Inc., in the amount of \$ 9,024.00, per the advice of Robert E. Lee & Associates. Discussion: Trustee Swanson noted that DMK was the low bidder and the village previously worked with this company on the Fire Station and Dyer Business Park projects. Vote: Ayes: 6. Motion carried.

28) **OLD BUSINESS:** None.

29) **NEW BUSINESS:**

**President's Corner:** Pres. Deschane thanked Eriks Garden Center and Donna's Greenhouse for donating flowers to be planted in barrels. He thanked Dorothy and Helen Franzen, Cara and Greg Behrendt, Bill and Shirley Keller, and Candy Deschane for planting the barrels. He also thanked all groups and organizations involved in the July 3<sup>rd</sup> and 4<sup>th</sup> events, the Middle Inlet Moonshiners 4-H Club for spreading gravel on the Don Brooks trail, and Greg Deschane for rebuilding the missing benches along the trail.

30) **CORRESPONDENCE:**

**American Legion Netzel-Zenz Post #413:** Pres. Deschane read a letter to Police Chief Mike Frievalt from the Legion supporting the Police Department actions on July 4<sup>th</sup> in the Congine flag issue.

31) **QUESTIONS FROM THE FLOOR:** Pres. Deschane reminded the public present that this section of the agenda is limited to questions only and each person would be allowed 3 minutes. There were no questions from the floor.

32) **Recess to Closed Session to Discuss Pending Litigation with Legal Counsel 19.85(1)(g):** The board did not go into closed session to consult with the attorney. Atty Frank Calvert stated that this item had been placed on the agenda in case anything came up, which it didn't. He reported to the board that Vito Congine, Jr., filed for an appeal of his liquor license denial to Marinette County Circuit Court. He noted that this is an appeal authorized under state law and local ordinance and is not a lawsuit. As such, he will represent the village in the appeal and keep the board updated on the progress of the issue.

**ADJOURNMENT:** Motion by Trustee Kaminski, seconded by Trustee Volk, that the meeting be adjourned at 8:08pm. Vote: Ayes: 6. Motion carried.

Respectfully submitted,

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John J. Deschane  
President

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Marilyn L. Padgett  
Clerk/Treasurer