



NORTHERN OZAUKEE SCHOOL DISTRICT
 BOARD of EDUCATION MEETING MINUTES
 REGULAR SESSION
 Monday, October 12, 2009 · 7 p.m.
 OMS/OHS Library

*** AMENDED MINUTES ***

(Note: Digital recording of minutes will be kept in the District Office for 90 days after approval of minutes.)

Call to Order: 7 p.m. by Paul Krause, Board President. Pledge of Allegiance followed by reading of the district's Core Values. Roll call taken; quorum established.

Members Present: Paul Krause, President; Stacie Stark, Vice President; Francis Kleckner, Treasurer; Tim Burmesch, Clerk; Rick Hamm; Kendall Thistle; Tom Hoffmann; Stephen Burmesch; Steven Baumeister

Others Present: William Harbron, Superintendent; Walter Clarke; Kevin Parker; Pam Warner; Kurt Bergland; Cindy Dallman; Roger Sinnen; Mike Skurek; Sean Preisler, OHS student rep; Paul Moore; Jason Becker; Nici Tomkiewicz; Carla Thistle; Mark Jaeger, *Ozaukee Press*; Vicki Depies

Agenda: 1–Motion to adopt the agenda in print made by S. Stark, seconded by F. Kleckner. Letters of Agreement have not been finalized; item F should be stricken from agenda. 2–Motion to amend agenda by removing item F made by S. Burmesch, seconded by T. Hoffmann. ***Motion 2 carried unanimously. Motion 1 to approve agenda as amended carried unanimously.***

Public Forum: Paul Moore addressed the Board. He had previously addressed the Board concerning use of media in the classroom, which has been adequately answered, and staff utilization, which has not. Paul challenged the Board to look at the memo he received and look at the utilization; he would still like an answer from the Board. P. Krause asked specifically what he wants. Paul's concerns were referred to Rick Hamm, Chairperson of the Student Learning & Achievement Committee as a starting point, which will meet November 4. Paul then expressed comments concerning last week's article in the *Ozaukee Press*, referring to the land drainage issue, which was never a priority with him. He said education for children is the first priority; he doesn't care about Kendall's water problem. Paul mentioned the last paragraph which states the district may pursue legal action against the Thistles. He drove past the Thistles' property and saw that the berm is huge, as though Kendall is trying to keep out King Kong, and maybe he is. Kendall has big education on one side and a big developer on the other side, and everybody wants to "screw" Kendall Thistle. Kendall is working against big government and a big corporation. Normally, watershed goes from uphill to downhill; because of the development around him, Kendall is now downhill. Paul stated it sounds as though district officials figure now that Kendall is downhill, the water should run through his living room. Paul doesn't think that's fair. Paul feels everyone is ganging up on one landowner. That concerns Paul because he feels when it is going to be him. Kendall has unique neighbors. Paul said Kendall has to work against the big wheels of government and a corporation, and that can be daunting. Paul hopes the Board will be very cautious before trying to sue a landowner because he is trying to prevent his house being washed out into Lake Michigan. F. Kleckner commented that the water always flowed there and now that it's been seeded, the water flow has slowed down. F. Kleckner said that if he were Kendall's neighbor, he would build a berm to the northwest and we'd challenge his berm. If he wants to build it another five or ten feet higher, let him do it. We'll build it five feet higher or ten feet higher. Paul realizes that he doesn't have all of the facts, but went on to say that this is the kind of press we're getting—the Board of Education is going to sue Kendall Thistle for trying to prevent water in his house. Paul says that in winter, there will be a foot of water there, and how will Kendall get to work? It's going to be an ice patch. Paul Krause stated that we have excellent reporting, yet it represents only a very small portion of the facts. The subcommittee has been working on this issue for 18 months, and to say that we've been cautious is an understatement. At some point, a decision needs to be made, whether to fix it in some way or to file a lawsuit. He said he hopes Paul Moore would be cautious not to believe that what is stated in an article is the entire story.

Celebrations and Announcements: In addition to recognitions listed on Attachment B, R. Sinnen praised Linda Desimowich and Isaiah Ketterhagen for once again doing a tremendous job on the recycling drive.

Consent Agenda: • Motion to approve Consent Agenda Part I-Business made by F. Kleckner, seconded by S. Stark. R. Hamm asked that money being given to United Way be labeled differently, rather than "general fund/miscellaneous deductions." These are charitable deductions from employees to United Way. Walter will change wording. ***Motion carried unanimously.***

of YMCA membership fees. Parents like the program because it is on-site. Participation has been increasing, and Julie stated our facilities offer a "great set-up." The program is licensed by the state. The program passed a recent inspection with "flying colors" as far as having appropriate square footage, equipment, etc. The inspector was very impressed. K. Thistle asked whether the program was self-funding. Julie replied that approximately ten additional participants would be needed. The fee is \$2 per hour, so it's currently a little "touch-and-go" with only 20 participants. They still need to purchase food and supplies. K. Thistle asked whether other non-profit day care providers in the area also received the discounted YMCA membership. Julie replied no, that the discount is offered to those families participating in a YMCA program, such as the one here at NOSD.

Action Items:

• Attachment D (for complete text, please refer to digital recording of minutes)

* Since the last Board meeting, our questions concerning the water drainage issue have been answered by DNR and the attorney via correspondence provided to Board members. S. Burmesch stated we do need to address the water and proposes using the local excavator. According to Roger Sinnen, this would solve the problem. P. Krause said that before we choose a vendor, we need to decide which option to pursue. S. Stark was happy to see that the attorney feels the district would not be liable in the future, but that is his opinion and she is not sure how that would play out 30 years from now. P. Krause stated that if we decide to remedy the problem ourselves and it is inadequate, he doesn't see how it would be anybody's liability other than ours. We did absolutely nothing to cause this pond to be here. Paul's opinion is that the solution shouldn't be our problem and the problem shouldn't reside on our property. Any future maintenance, any future fixing of it, is going to be on us if we do it now. You can't be a more innocent bystander in this thing as the district has been, and yet we're proposing to take land from our property to fix a problem we didn't create. The Board needs to make a fundamental decision whether to fix it ourselves or pursue action to have somebody else fix it. R. Hamm stated that if we fix it, it's still on our property and we'll have to fix it later on. P. Krause stated that taxpayers ask us repeatedly to treat the money as if it's our own. F. Kleckner said he'd build a bigger berm; let's see how far he'll go. S. Stark asked what the ad hoc land committee recommends. F. Kleckner stated the committee recommends a remedy through the courts. Lengthy discussion continued. Items 1 and 2 under "Other considerations" were renumbered to 4 and 5, respectively.

Straw poll conducted to determine which option Board members favored, either #2, #4, or #5. S. Baumeister #2, T. Hoffmann #5, T. Burmesch #2, S. Stark #4, P. Krause #5, F. Kleckner #5, R. Hamm #2, S. Burmesch #2, K. Thistle, abstain. Result: Four votes in favor of option #2.

Motion to pursue option #2: Take action to drain the pond, restoring the property to its original state, with the district assuming full responsibility for the cost of restoring the property, made by R. Hamm, seconded by T. Burmesch. Roll call vote: S. Burmesch, yes; R. Hamm, yes; F. Kleckner, no; P. Krause, no; S. Stark, no; T. Burmesch, yes; T. Hoffmann, no; S. Baumeister, yes; K. Thistle, abstain. **Motion failed with four in favor, four opposed, and one abstention.**

Discussion resumed, weighing pros and cons of the remaining options. The district has two goals—to drain the pond and to not be at fault. Decision made to take option #5 off the board. The big key is to determine responsibility for the problem. Item #4 amended to read: "Take action to drain the pond, restoring the property to its original state. The district takes civil action against the Thistles and/or MasterCraft to recover the cost of restoring the property and to assign the Thistles and/or MasterCraft the responsibility of the problem." Straw poll conducted to determine whether or not to pursue option #4: S. Baumeister, yes; T. Hoffmann, yes; T. Burmesch, no; S. Stark, yes; P. Krause, yes; F. Kleckner, yes; R. Hamm, no; S. Burmesch, yes; K. Thistle, abstain.

Motion to pursue option #4, "Take action to drain the pond, restoring the property to its original state. The district will then take civil action against the Thistles and/or MasterCraft to recover the cost and assign the Thistles and/or MasterCraft full responsibility of restoring the property." made by S. Stark, seconded by P. Krause. Roll call vote: S. Burmesch, yes; R. Hamm, no; F. Kleckner, yes; P. Krause, yes; S. Stark, yes; T. Burmesch, no; T. Hoffmann, yes; S. Baumeister, yes; K. Thistle, abstain. **Motion carried with six in favor, two opposed, one abstention.**

P. Krause asked if administration is clear as to what needs to be done. W. Harbron stated administration needs to know exactly what the Board wants done to drain the pond, if we are going to go with the more permanent solution according to the excavators, and tell us which vendor we're going to use. The Board needs to clarify action desired to drain the pond (e.g., pumping, digging the ditch). R. Hamm stated he has a conflict of interest in selection of the vendor. S. Burmesch recommended selection of the vendor with the lowest bid. F. Kleckner stated Roger Sinnen should ensure there are no added costs and that the bid includes draining the pond. Roger stated he's had experience with both vendors and they are both good. He will check to make sure Karrels' bid is all-inclusive. Motion to approve Karrels Trucking Sand & Gravel proposal estimate made by S. Stark, seconded by S. Burmesch. Roll call vote: S. Baumeister, yes; T. Hoffmann, yes; T. Burmesch, yes; S. Stark, yes; P. Krause, yes; F. Kleckner, yes, R. Hamm, abstain; S. Burmesch, yes; K. Thistle, abstain. **Motion carried with seven in favor, two abstentions.** T. Burmesch wants to place emphasis on the pond being drained promptly and that it remains drained until the ditch is dug. W. Harbron will contact the