

**VILLAGE OF FREDONIA
VILLAGE BOARD MEETING
January 18, 2007**

The regular village board meeting was called to order at 7:00 p.m. by President Hamm. Present: Bill Hamm, Don Dohrwardt, Chris Kunstmann, Bruce Laabs, Joe Short, Larry Waskiewicz, and Larry Palm. Also Present: Allen Neumann, Gary Buntrock, Mark Jaeger, Mark Smiley, Jason Quade, and Mike Davel.

Approve Minutes

The Minutes of the January 4, 2007 village board meeting were approved as presented on a **MOTION** by Short, seconded by Waskiewicz, and carried unanimously.

Payment of Bills

With the addition of a bill from Carquest Auto Parts for tire plugs in the amount of \$4.27 and a bill from USA Bluebook in the amount of \$265.48 for pump parts, with the correct amount of \$7,091.25 to UBS Financial for the 2006 LOSA payment, the General Fund, Water and Sewer bills were approved for payment on a **MOTION** by Waskiewicz, seconded by Palm and carried with Kunstmann recused.

December 2006 Treasurer and Utility Reports

A **MOTION** was made by Short to approve the December 2006 treasurer and utility reports as presented, seconded by Waskiewicz and carried unanimously.

Special Gathering Beer License

A **MOTION** to approve the Special Gathering Beer License for the Rosemary Home and School Association for February 9th, February 23rd, March 9th, and March 23rd was made by Waskiewicz, seconded by Kunstmann, and carried with Hamm and Laabs abstaining.

Open Session for Questions and Comments

Waskiewicz referred to the tragedy of the death of the 9-year old boy from the Town of Fredonia who was struck and killed on Hwy. H while crossing the road. He feels that the Village Board needs to continue taking action to secure the safety of the residents of the Village of Fredonia. He is suggesting that the Public Safety Committee meet to review public safety in regards to adequate road signage and speeds in the village.

Badger Paperboard – Extend Timeline

Waskiewicz stated that on June 3, 2005 the 3.14 acre parcel was sold to Badger Paperboard. The restrictive covenants for the Industrial Park were in place at the time which state that building needs to start within 18 months of ownership of the land. The 18 month time limit expired on December 3, 2006. The minutes of the May 5, 2005 village board meeting and also the offer to purchase refer to the buyer agreeing to these restrictive covenants. The minutes state that the building needs to be started within 18 months, and if not substantially started within 24 months the property reverts back to the village. At that time Smiley stated that it was his intent to comply with the covenants. Neumann referred to Exhibit B of the original sale of property to Smiley in June of 1999, which was also recorded as part of the sale of the two other parcels in 2002 and 2005 which states that acceptance by Mark Smiley of the Offer to Purchase Vacant Land within the industrial park is subject to the understanding that construction of the proposed improvements will begin within eighteen (18) months of the conveyance of property by the Village to the Buyer. In the event the Buyer does not commence substantial construction within 24 months of closing, the company shall reconvey the land, described by warranty deed, free and clear of all encumbrances to the Village upon demand. The Buyer shall in addition be reimbursed the principal payments already made, minus \$2,000 to compensate the Village for expenses incurred. Waskiewicz stated that he was the one who made the motion at the May 5, 2005 village board meeting to approve the sale of the lot to Smiley Properties because he felt it was imperative to keep the existing businesses in the industrial park to create additional jobs in the village. He questioned if all of the restrictive covenants have been adhered to on the properties that Smiley purchased in 1999 and 2002. Neumann stated that Smiley has complied with the restrictive covenants on these two parcels. However, Neumann stated that the one ordinance requirement that

is still outstanding is blacktopping the required areas. Smiley stated that in 1999 he built a 20,000 square foot building. In 2003 he added on a 30,000 square foot building. He has plans to build a 40,000- 50,000 square foot warehouse addition costing between \$1.5- 2 million but does not know when that will be. He added that interest rate have risen along with steel prices. Business is unpredictable and he needs to be sure that his existing business is solid before he invests money into expanding it. He figures that it may take anywhere from two to three years for this to happen. Smiley commented that the village also needs to take into consideration everything he has already done with his business in the village. His building is clean, aesthetically pleasing, beautifully landscaped, and he employees 20 people. He also informed the board that in June he is having \$700,000 of precision cutters installed in the building. He wants to retain ownership of the 3.14 acres because he will need that parcel when it comes time to expand. Hamm questioned if Smiley was planning on doing the required asphaltting which was to have been done within two years of occupancy. Smiley replied that the entrances are concrete and the parking area is blacktopped. He is concerned that he would need to spend approximately \$200,000 on the rest of the area that needs to be blacktopped and that it would not withstand the wear and tear from the trucks. He would rather put this money into the building. Hamm stated that this is an ordinance requirement and needs to be done. Smiley will officially file a deadline extension request for building along with a business plan which will then be reviewed and acted on by the village board. Neumann commented that Smiley owns a total of 9 ½ acres. He has 50,000 square feet of building on this property, which equal 12% of building per cumulative land total. Our restrictive covenants require that a building needs to occupy a minimum of 6% of land area. Waskiewicz suggested that we send Smiley a copy of our ordinance on the blacktop requirements, the restrictive covenants, and minutes of the meetings and correspondence pertaining to this issue. Smiley will also contact Neumann if he has any other concerns or questions regarding the blacktopping.

Year End Report from Village Marshal

Mike Davel distributed a copy of a detailed and comprehensive report for the police department for 2006. He stated that he has benefited both personally and professionally during his first full year as Mashal for the village. The police department consisting of seven officers worked an average of 64.5 hours per week in 2006. They made 290 arrests, responded to three traffic accidents, with a total of 358 documented incidents. He has purchased a 2007 Ford squad car from Holtz Chevrolet, along with the equipment and parts which are ready for installation when the squad is delivered. He will get input from the other officers for the labeling on the squad and then bring these ideas to the Public Safety Committee. He will possibly be selling the 1992 squad to a private party for more money than he would receive on a trade-in. Davel is also requesting approval to purchase a new rifle as he feels that this is a necessary piece of equipment that is needed to help the officers be prepared for the worst case scenarios that could happen in the village. The request for the riffle purchase will be placed on the next village board agenda. Davel reported that in 2006 they had \$5,000 in revenue through the Mid-Moraine Municipal Court System compared to \$2,000 revenue from the Ozaukee County Circuit Court in 2005. He is also working with the county on the new computer data base program for the office. There will be a cost for licensing fees for municipalities who use this program. Waskiewicz informed Davel that he should let the board know when or if we need to hire an additional officer to attain the coverage that is needed in the village. Kunstmann requested that we have an officer in for a couple of hours after a snow storm to write parking tickets for the winter parking violators.

Report from Architectural Control Board/Deck at 442 Emerald Hills Drive

Palm reported that the Architectural Control Board met on January 3rd and approved a new house for Mastercraft Builders. Collection of Impact Fees and State Licensing Permit laws were also discussed. A deck permit application submitted by Jason Quade at 442 Emerald Hills Drive was also reviewed. The deck is proposed to be built off the rear of the house. He is proposing to put footings and supports approximately one foot into the easement area and then cantilever out one foot. There is a village stormwater detention easement and a detention pond in the rear yard. On the northeast corner the

easement is located approximately 4 ½ feet from the house and angles out slightly and is approximately 5 ½ feet from the northwest corner of the house. There is a Homeowners Association that is responsible for the maintenance of the easement and the pond. Neumann stated that the stormwater easement is provided for overflow of the pond, as an area for inlet and outlet pipes, and to provide for an area if maintenance is required on the pond. As Johnson stated in the Architectural Control Board minutes, we typically do not issue permits to build structures in an easement. Hamm believes that the Homeowner's Association will also have to vote on if they will allow Quade to encroach the easement. Hamm does not want to see anything built over an easement. Dohrwardt questioned if the DNR has any jurisdiction over this pond. Neumann did not think so. Quade questioned if he gets the Homeowner's Association's approval if he could build into the easement at his own risk. The board advised him not to do this without permission from the village. He will possibly need to either go before the Board of Appeals for a variance or to the Plan Commission to review the location of the easement. A **MOTION** was made by Waskiewicz to deny the request for Jason Quade at 442 Emerald Hills Drive to build a deck on the rear of the house that encroaches into the stormwater detention easement, seconded by Kunstmann, and carried, with Palm voting Nay.

Ordinance 2007-01 Amending Impact Fee Regulations

A **MOTION** was made by Short to approve Ordinance No. 2007-01 pertaining to the payment of Impact Fees was made by Short, seconded by Dohrwardt, and carried.

Report from Plan Commission

Hamm reported that at the January 8, 2007 Plan Commission meeting the Developer's Agreement for Port Grandview LLC proposed condominium storage development at 145 Meadowlark Road was reviewed. Neumann and Didier are working on changes to the document which will then be reviewed by the attorney and submitted to the Plan Commission on February 5th for review and approval.

Report from Joint Building Committee

Short stated that the Joint Building Committee met on January 15th to discuss the proposed shared village/town hall. The following items were discussed:

- A **MOTION** was made by Hamm to pay the committee members appointed by the village the regular committee pay wage, seconded by Laabs. Dohrwardt amended the MOTION to pay committee members appointed by the village the regular committee pay wage for any meetings that last over 30 minutes. No second was received on the amended motion. The original motion carried with Short and Palm abstaining.
- Short stated that this committee comprised of two members from the village and two members from the town will mostly be an informational committee. Any decisions made will still need to go before the village board and town board for approval.
- The committee is suggesting the formation of a building operations commission with five members consisting of the Village Clerk, the Town Clerk, a Village Board member, a Town Board member, and an "at large" member. The Village and Town Board members would be appointed by their boards. The "at large" members would be appointed by the Village Board one year and the Town Board the next year. A possible alternate "at large" member could also be appointed.
- Budgets for utilities, etc., would be prepared based on Village area only costs, Town area only costs and shared area costs (split 57% Village and 43% Town). The shared areas would include the outside maintenance costs.
- JoAnn Wagner is checking with the insurance company if only one municipality would insure the whole building and then bill the other for a percentage of the liability insurance.
- The meeting dates for all village and town meetings will be scheduled first and then if other community groups want to use the building, it would be handled by the building commission.
- The committee suggests that there be a minimum time frame of 10 years for this joint venture before any buy-out could occur. There would be no sale allowed to a private buyer and the cost of the buy-out will be based on assessed

and appraised values. The board also suggested that the contract state that one year minimum notice of a buy-out be required.

- The committee is suggesting that an architect be hired rather than a design/build firm with the cost split 50/50. Hamm feels that we will spend more money hiring an architect versus a design/build firm. Discussion was held on who will be in charge of the construction of the project. The building commission will be in charge of the design and construction of the building with approval by the Town and Village Boards. Neumann stated that it is imperative to have an on-site construction manager who has the authority and experience to make decisions on the construction of the building. Waskiewicz added that the Village President and Town Chairman could grant the construction manager of the project the authority to handle the daily aspects of the project.
- Short stated that the first step for the Joint Building Committee is to create an Agreement between the town and village. Ritger Law Office is independent of the town and village and will work on creating an agreement. The town and village can each have their own attorneys review the agreement. A **MOTION** was made by Short to hire Ritger Law Office as the attorney to draw up a contractual agreement for the joint building project representing both the village and the town with the cost of these attorney fees to be split 50/50 between the village and town, seconded by Dohrwardt, and carried.
- The village board is recommending that the building be named “Fredonia Municipal Building”. A **MOTION** was made by Dohrwardt to name the building “Fredonia Municipal Hall”, seconded by Waskiewicz, and carried with Palm, Laabs and Hamm voting Nay.
- Short and Palm suggest appointing an alternative village board member for the Joint Building Committee in case one of them can’t make a meeting. A **MOTION** to appoint Don Dohrwardt as an alternative member of the Joint Building Committee was made by Waskiewicz, seconded by Palm, and carried.
- A **MOTION** was made by Hamm to share the cost of the building design work 50/50 between the village and town, seconded by Waskiewicz, and carried unanimously.
- Discussion was held on the dedication of land to the project. A **MOTION** was made by Waskiewicz to deed the land to the project with a joint title unless the village and town boards can’t come to an agreement on the joint building project then the land will remain village property, seconded by Short. Kunstmann does not think we should change the ownership of the land. Hamm would like to have a 99 year lease of the land to the Town of Fredonia for this project. Kunstmann stated that we can handle the legalities of the land in the buy-back laws. Waskiewicz rescinded his **MOTION**. A **MOTION** was made by Dohrwardt to lease the land to the Town of Fredonia for the joint building project, seconded by Kunstmann. Waskiewicz is concerned that the village board is not united in their decision on ownership of the land for the project. He suggests sending this back to the Joint Building Committee for them to decide if we should lease the land or if there should be joint ownership of the land. Dohrwardt then rescinded his **MOTION**. A **MOTION** was made by Hamm to allow the Town of Fredonia to use the land at no charge for this joint building project, seconded by Waskiewicz. The contract agreement between the village and town will include the buy-out clauses. Motion carried unanimously.
- Short and Palm will forward this information to the Town of Fredonia at their next scheduled meeting on January 29th at the Town Hall.

Paging System at Municipal Buildings

A **MOTION** was made by Hamm to approve the installation of the VidaMax base station at the Water Tower, and transmitters installed at the Fire Department, and Village Hall, with reference to the VidaMax System Information packet from Duane Willborn and the minutes of the January 4, 2006 Village Board meeting, seconded by Waskiewicz. Waskiewicz advised that the internet connection is only to be used for municipal purposes. Motion carried with Palm abstaining.

Additional Outside Lighting at Fire Department

Waskiewicz stated that there is one outside light at Fireman's Park that does not give off adequate light at night. A **MOTION** was made by Waskiewicz to approve the

installation of one additional directional light mounted on the Fire Department building at a cost of approximately \$200 for the fixture and \$200 for labor and materials, seconded by Short, and carried unanimously.

Meal Site/Office on Aging

A **MOTION** was made by Short to approve the annual agreement with the Ozaukee County Office on Aging to use the Fire Department Meeting room for their meal site on Tuesdays at a cost of \$3.00 per day for 2007, seconded by Dohrwardt. The **MOTION** was amended by Short to include that smoking is not allowed on the property, seconded by Dohrwardt, and carried unanimously.

WWTP/Attendance at Computer Classes

The reports on the operations at the WWTP for 2006 and for the month of December were reviewed. Buntrock and Helm have attended several different computer classes through the Port Washington School District. A **MOTION** was made by Short to reimburse payment of \$50 to Buntrock, and \$12.00 to Helm for attending computer classes at the Port Washington School District, seconded by Waskiewicz, and carried unanimously.

Report from Director of Public Works

The report from the Director of Public Works was reviewed. Neumann informed the board that the new plow truck arrived and they used it for plowing on Monday morning. There were a few problems that needed to be fixed and it is now at Badger Ford for these repairs. Neumann will have it parked at the firehouse for the next village board meeting.

Street Lighting on Stoney Creek

There are currently 11 light poles in the Stoney Creek Meadow Subdivision. The area in question is on the north end of Stoney Creek that does not have a street light. Neumann has talked with the electric company about adding a street light between lot 11 & 12. There would then be 170' south to the existing light on Stoney Creek Lane and 183' to the north to the light on Wheeler Street. The electric company would need an easement to run the service from the back of lots #11 and #12 for this street light. The electric company estimated the cost for the easement to be \$348 with installation costing \$3,000. Neumann stated that these costs would be billed to the Developer. There would be a cost of \$18 per month to the village for this additional light. A **MOTION** to approve the installation of an additional street light on Stoney Creek Lane as discussed was made by Waskiewicz, seconded by Hamm, and carried unanimously.

Badger Meter Water Meter Reading System

Neumann reported that he has been working on getting the hand-held data collection system through Badger Meter in place for the 1st quarter meter reading at the end of March. Eventually, when new meters are installed they will have computer chips for drive-by reading. Because this is a proprietary system through Badger Meter, Neumann will present the proposal from Badger Meter to the Village Board for approval.

Pipe Bursting Contract

Neumann stated that he has sent a letter to the attorney regarding the funding for the Pipe Bursting project north of Gilson Avenue to North Milwaukee Street that was awarded to Powers Lake Construction for \$80,813. He has not yet heard back from the attorney, therefore, this will again be placed back on the agenda for the next village board meeting. Kunstmann questioned how we will pay for the projects if we don't collect 59% of the money from Cobblestone Village because they are not moving forward on their development. Neumann stated that we have \$430,000 (41%) of the money from Village Green in an escrow account for these projects. We will need to prioritize the projects and see which ones can be done for \$430,000. Neumann will create this prioritized list of projects for the next village board meeting.

WWTP/Attendance at Computer Classes

A **MOTION** was made by Kunstmann to go back to #17a on the agenda, seconded by Dohrwardt, and carried unanimously. A **MOTION** was made by Kunstmann to approve payment for attendance of four additional computer classes offered by the Port

Washington School District for both Buntrock and Helm, seconded by Waskiewicz, and carried unanimously.

Resolution No. 2007-A

A **MOTION** was made by Waskiewicz to approve Resolution No. 2007-1 to allow for three pollworkers at the February 20, 2007 primary election, seconded by Palm, and carried.

Correspondence

Correspondence received includes:

- Mid-Moraine Municipal meeting on January 24, 2007. Joe and Linda Short, Bill and Cathy Hamm, and Larry Waskiewicz will be attending the meeting.
- Ozaukee County Board agenda for January 17, 2007.
- Veolia Environmental Services – change from “Inc.” to “LLC”.

Closed Session

A **MOTION** was made by Dohrwardt at 10:30 p.m. to convene into closed session to consider medical information, seconded by Waskiewicz, and carried unanimously with a roll call vote.

(At this point in the meeting the clerk left and President Hamm was responsible for taking minutes for the remainder of the meeting.)

A **MOTION** to proceed as discussed in Closed Session was made by Hamm, seconded by Kunstmann, and carried.

A **MOTION** to adjourn at 10:58 p.m. was made by Short, seconded by Laabs, and carried.