

FREDONIA VILLAGE BOARD MEETING
March 15, 2007

DRAFT

The regular village board meeting was called to order at 7:00 p.m. by President Hamm. Present: Bill Hamm, Chris Kunstmann, Bruce Laabs, and Joe Short. Also present: Allen Neumann, Nancy Washburn, Janet and Bruce Heins, Carla and Kendall Thistle, Mark Jaeger, and Jo Ann Wagner. Arriving later: Gary Buntrock, Mary Jane Depies, and John Depies.

Approve Minutes

Minutes of the March 1, 2007, village board meeting were approved as presented on a MOTION by Short, seconded by Kunstmann, and carried with Hamm and Laabs abstaining.

Payment of Bills

With the additional list presented, the General Fund, Water and Sewer bills were approved for payment on a MOTION by Kunstmann, seconded by Short, and carried.

February Treasurer and Utility Reports

The February treasurer and utility reports were approved as presented on a MOTION by Kunstmann, seconded by Short, and carried.

Operator Licenses

An operator's license for Betty Keating and Timothy Gamerdinger was approved on a MOTION by Short, seconded by Kunstmann, and carried.

Open Session

Janet Heins, candidate for judge for the Mid-Moraine Municipal Court introduced herself and explained her background.

Storm Water Issues – Village Green Subdivision

With the recent snowmelt, flooding has occurred on the Kendall Thistle property at N5549 Hwy. 57. This has been caused by runoff from the Village Green Subdivision. Neumann explained that the sub basin draining into the swale just north of the Thistle property is just over ten acres. Mastercraft Builders and Losik Engineering have been notified of the problem and have submitted a new design. The area will be re-graded to direct the water into the detention pond. Silt fence will be restored, temporary erosion matting will be installed on exposed slopes and a stone ditch check will be installed. Carla and Kendall Thistle felt this was a reasonable solution. The village engineer will also review the proposed plans. Construction will begin as soon as the weather allows. Washburn stated that they should have grass by June 1st. Their intent is to be part of the community and now that they understand the problem they will fix it as soon as possible. (Buntrock arrived)

Parks Committee – Celebrate Fredonia

Laabs reported that the committee will be looking for four to six volunteer groups to staff the food and beverage stands for Celebrate Fredonia. A separate checking account should be established for the event. The checking account from last year was closed. Many of the food vendors will allow payment after the event. Last year about \$1,800 was spent before the event. A MOTION was made by Kunstmann, seconded by Laabs, to instruct staff to establish a village checking account for Celebrate Fredonia with the customary signatures required. Motion carried.

The Lion's Club previously applied for use of the park for Celebrate Fredonia. That permit should be revoked and a new permit issued to the Parks Committee. A MOTION was made by Laabs, seconded by Short, to withdraw the permit from the Lion's Club for use of Fireman's Park on September 6, 7 and 8, 2007. Motion carried.

The Parks Committee recommended that the bill for food for the police officers at the 2006 Celebrate Fredonia event be sent back to the chairperson of the 2006 Celebrate Fredonia Committee for further explanation and action. The Parks Committee questioned why, if funds were available in the 2006 Celebrate Fredonia account, that the bill was not paid. This matter was tabled until the next meeting on a MOTION by Hamm, seconded by Short, and carried.

(Mary Jane Depies and John Depies arrived at 7:35 p.m.)

Repair of Slide at Stoney Creek Park – Parks Committee

The Parks Committee recommended that the Director of Public Works repair the broken and/or wore components on the slide at Stoney Creek Park and re-do the base of the stairs to correct the angle. Neumann questioned liability if the village changes the design of the structure. Laabs stated that the function of the slide would not be changed, but stated that the stairs of the slide have sunk, creating a steeper climb to the stairs. Laabs will request original design specs for the slide from the manufacturer. This item was then postponed until the next meeting.

Kunstmann noted that the committee will also be looking at traffic/parking problems when park permits are issued. During the last event at Fireman's Park access to the Fire Department was blocked.

Shared Building Committee

Minutes from the March 5, 2007, and March 13, 2007, meeting were reviewed. The two changes requested at the March 13th meeting are incorporated into the document distributed at the meeting.

Intergovernmental Agreement to Create a Commission for the Management of a Joint Municipal Center

A MOTION was made by Short, seconded by Laabs, to remove the Shared Hall building agreement from the table. Motion carried. Section 19B of the agreement was again discussed. An example was given by Short explaining how the price would be determined if the property (building

and land) was sold to the village. If the value of the land when the original agreement was signed was \$100,000, and the value of the total property at the time of sale was \$600,000, and the allocation of cost was 50/50 (actual cost allocation to be determined by actual square footage when the building is built), then the cost to the village to purchase the property is \$250,000. (Total cost \$600,000 less original cost of land \$100,000 equals \$500,000, which would then be divided by the cost allocation.) If the property (building and land) was sold to the town using the same values, the cost to the town to purchase the property is \$350,000. (Total cost \$600,000 less original cost of land of \$100,000 equals \$500,000, which would be divided by the cost allocation (assumed to be 50/50 in this example), which equals \$250,000, plus the original cost of the land. Total cost to town to purchase is \$350,000.) (Note: These costs are used to demonstrate the formula used and in no way reflect actual dollars to be used at time of sale.) Section 19 B would now read as follows:

Determination of Price if Sold to Other Party: If purchased by the Village, the purchase price shall be the Town's ownership share of that number which is the value of the property as determined by appraisal minus the value of the building site as defined in paragraph 4. If purchased by the Town, the purchase price shall be the value of the building site in paragraph 4 plus the Village's ownership share of that number which is the value of the property as determined by appraisal minus the value of the building site as defined in paragraph 4. If the parties wish to proceed with a sale but cannot agree on the price, the fair market value shall be determined by an acceptable licensed appraiser, or, if there is no mutually acceptable appraiser, then by the average of each party's independently obtained appraisals. Notwithstanding any other provisions of this agreement, at such time as the fair market value is determined by appraisal(s), either party shall have forty-five (45) days to notify the other, in writing, that it elects not to purchase the other's interest due to price.

Section 19 D was changed to reflect that the value of the land returned to the village is the value of the land when the agreement is started. Section 19D would now read as follows:

Sale to Third Party: If an offer is made by one of the parties pursuant to this section, and if the other party declines to purchase the property for any reason, the selling party may elect to offer the property for sale to a third party. The parties shall allocate the costs of sale in proportion to their ownership interests. The parties may accept the highest bona fide offer. At closing, the Village shall be repaid for the value of the building site at the time of the commencement of this agreement as defined in paragraph 4 and the balance of the proceeds shall be allocated between the parties in proportion to their ownership interests. Nothing in this paragraph shall be construed as a limitation or restriction on the Village's zoning authority.

A MOTION was made by Short, to approve the Intergovernmental Agreement to Create a Commission for the Management of a Joint Municipal Center dated March 7, 2007, with the changes to 19B and 19D as discussed and presented in the agreement dated March 14, 2007. No second was received. Hamm again asked for a second to the motion. Hamm then seconded the motion. Laabs questioned if this was urgent and needed to be

approved tonight. Hamm noted that the document would not be signed until the changes requested were incorporated into the document.

- Kunstmann questioned item 10 on page two. The handout prepared for the November 1, 2006 public meeting is not attached. This will be attached to the final document.
- Kunstmann questioned item 19A noting a sale could be made if both parties agree and notification would need to be made within 120 days. Short explained that notification would need to be made within 120 days, but the municipality would have two years to implement.
- Kunstmann questioned the last sentence of 19A stating, “Any costs associated with the sale shall be allocated between the parties in the customary manner.” What is the customary manner? It would be buyer/seller costs and would be allocated between buyer and seller as in a normal real estate transaction.
- Kunstmann questioned 19B “the ownership share of that number”. What is that number? This number is the municipality’s share of the value of the property as determined by appraisal minus the value of the building site as defined in paragraph 4.

Kunstmann noted that three board members were missing and felt the agreement should wait until the entire board was here. He again questioned why the village was giving the land away, and why should village residents pay to re-title the land and pay for an appraisal. The board never said they would give up three acres of land. Hamm noted that he did not like giving up the land, but it is the only way to build a village hall, and it will benefit village residents in the long run. Kunstmann agreed that it was a good idea to build with the town, however, the village has given up a lot, has moved the timeline to build by twelve years, but he wants to get the best deal for village residents. Laabs agreed that when the board started talking about a shared building, the village was going to retain ownership of the land. Hamm rescinded his second of the motion. Motion then died for lack of a second.

Appraisal of Property

An appraisal of the Maple Lawn property will be needed if the agreement is approved. This item was postponed until the next meeting.

Plan Commission – March 5, 2007 Meeting

Minutes from the March 5, 2007, Plan Commission meeting were reviewed. A zoning permit was approved for 340 South Milwaukee Street, with no outdoor storage of materials allowed.

Village Green South – Final Plat

The Plan Commission reviewed the final plat submitted for Village Green South and recommended approval. This final plat does not include Lot 3 or 4; only Lot 1 and 2 and outlot 1 and 2. A MOTION was made by Kunstmann, seconded by Laabs, to approve the final plat of Village Green South as recommended by the Plan Commission Motion carried. Washburn noted that a final plat will be submitted for the condo units; and if not submitted within two years of the preliminary plat, a new preliminary plat would be submitted. (Washburn left)

Housing Element for Ozaukee County Multi-Jurisdictional Comprehensive Plan

The Ozaukee County Multi-Jurisdictional Comprehensive Plan Housing Element was presented. Hamm stated that the board members should review and recommend any changes, if necessary.

Architectural Control Board – March 7, 2007 Meeting

The minutes from the March 7, 2007, Architectural Control Board meeting were reviewed.

Water and Sewer Committee – March 12, 2007 Meeting

The committee reviewed the five-year plan for the Water Utility and received an update on well No. 3.

AWARD CONTRACT FOR SEWER TELEVISIONING: A MOTION was made by Kunstmann, seconded by Short, to approve a contract for GLTVS in an amount of \$3,928 to televise 7,065 feet of sewer lines, with up to \$3,000 coming from the 2007 budget for I/I. Motion carried. A MOTION was made by Kunstmann, seconded by Short, to award a contract to GLTVS for root cutting as needed when the sewer lines are televised. Motion carried.

BIO-TOWER REPAIR WORK: Repair on the bio-tower at a cost not to exceed \$7,000 was approved on a MOTION by Short, seconded by Kunstmann, and carried. This will come from \$5,800 in the budget for bio-tower entryway and \$1,200 for repair and maintenance.

CLARIFIER PAINTING: It was noted that clarifier painting may also exceed budget.

INTERNET OPTIONS: Internet options at the Wastewater Treatment Plant were discussed. Possibilities include road runner, county system, or DSL. At this time no decision was made. A new computer will also be purchased for the WWTP.

FACILITY PLAN: The Facility Plan for the Wastewater Treatment Plant was previously presented to the village board. A public hearing needs to be scheduled, the plan needs to be approved by the board, and then sent to the Wisconsin Department of Natural Resources for review. This will be added to the board agenda for the second meeting in April.

FINE BUBBLE AERATION: This project will be delayed until next year.

Economic Development Grant for Reserve Liquor Licenses

Some communities have an economic development grant to help offset the \$10,000 cost for a reserve liquor license. The consensus of the board was to have an ordinance creating a grant on the agenda for the next meeting.

Report from Manager on Operations at WWTP

Buntrock reported that although February flow was at 29% of design flow, two days this week have already exceeded design flow. Design flow is 600,000 gallons per day, although the plant can handle 1,200,000 gallons per day. This was due to snowmelt and a watermain break. The WWTP lab is registered for another year.

Report from Director of Public Works

The report from the Director of Public Works was reviewed. Neumann noted that a watermain break occurred at 114 Hill Street and has been repaired. The water main was flushed when the repair was completed. Kunstmann noted that some residents are still having problems with brown water. The crew has also been sweeping streets and patching potholes. Hamm noted that extra sweeping will be required on the north side of the village. Neumann stated that he has already discussed this with the contractor and they will be cleaning the street at the end of each day.

Purchase of Roller

Fives bids were received for the purchase of an asphalt roller. Three of the bids were within the budgeted amount. A MOTION was made by Kunstmann, seconded by Short, to approve the purchase of a 2007 Multiquip asphalt roller at a cost of \$11,553. Motion carried.

Report from Clerk-Treasurer

The report from the Clerk-Treasurer was reviewed.

Correspondence

Correspondence included in the packet and reviewed include:

- SEWRPC Southeast Wisconsin Transportation plan.
- New Municipal Officials Workshop.
- League of WI Municipalities 2007 Regional Dinner meetings.
- TRA – Pension Protection Act of 2006.
- Mid-Moraine Municipal Association dinner meeting – March 28, 2007. (Bill and Cathy Hamm and Joe and Linda Short will attend)
- Countywide Library Service Memo.
- Wisconsin Compensation Rating Bureau – workers comp experience mod.
- Town of Saukville – Plan Commission agenda – March 13, 2007. (A public hearing was held on rezoning lots south of Fredonia to R-4. Town residents were not in favor of the re-zoning. Village concerns would be septic systems and wellhead protection. Only property adjacent to the village can be annexed. This proposed development will eventually be presented to the village.)
- LOSA 2006 annual report.

Board of Review

The Board of Review will be held May 16, 2007, from 6:00 p.m. until 8:00 p.m.

Items for Future Consideration

John Depies stated that he has an issue with stormwater from the Village Green Subdivision. He feels he hasn't received an appropriate response to his requests. He stated his land is being destroyed and nothing has been addressed. Depies stated that the village should require bonding of the developer instead of a letter of credit. Hamm noted that the village has followed the advice of our attorney. Depies noted that the issue will not end until he has an appropriate solution to the matter. Hamm noted that changes were being made to the storm water drainage area.

The meeting adjourned at 9:10 p.m. on a MOTION by Laabs, seconded by Kunstmann, and carried.