

VILLAGE OF FREDONIA
VILLAGE BOARD MEETING
April 5, 2007

UNAPPROVED

The regular village board meeting was called to order at 7:03 p.m. by President Hamm at the Fredonia Fire Department Meeting Room, 201 South Milwaukee Street, Fredonia, Wisconsin.

Present: Bill Hamm, Don Dohrwardt, Chris Kunstmann, Bruce Laabs, Larry Palm, Joe Short, and Larry Waskiewicz. Also present: Kendall and Carla Thistle, John Depies, Mary Jane Depies, Nick Bohn, Ann Schwarz-Bohn, Mark Jaeger, Allen Neumann, and Jo Ann Wagner.

Approve Minutes

A **MOTION** was made by Short, seconded by Laabs, to approve the minutes of the March 15, 2007, village board meeting with a change on page five, first word of first sentence, from “Fives” to “Five”. Motion carried.

Approve Payment of Bills

With the additional list presented, and the bill to Ozaukee County Economic Development Corporation in the amount of \$750, the General Fund, Water and Sewer bills were approved for payment on a **MOTION** by Short, seconded by Dohrwardt, and carried.

Open Session

Waskiewicz thanked Bill Hamm for serving as village president and stated it was an honor to serve under his leadership. Waskiewicz thanked Chris Kunstmann for his service as village trustee and stated it has escalated his awareness and that he will miss the debates. Dohrwardt thanked everyone for their thoughtfulness regarding the death of his father.

Storm Water Issues – Village Green

Neumann stated that on March 30th he met Susan Eichelkraut and Ben Herzfeldt from the Wisconsin DNR; Josh Pudelko, engineer from Losik and Associates; Jeff Lichosik, inspector from Kapur and Associates; Timm Scherneck, grading superintendent from Powers Lake Construction; and Jim Duerrwaechter, Nancy Washburn and Tim Dabbs from Regency Hills Development, at the Village Green Subdivision construction site. They walked the areas of concern, the DNR took pictures, corrective measures that need to be taken were noted and were to be implemented by Tim and Timm, and needed repairs and upgrades were documented. Susan Eichelkraut from the DNR has issued a notice of noncompliance and listed the needed repairs. These repairs started yesterday. John Depies stated that he has viewed the area where they are trying to re-channel the water and although it may be a partial solution for the Thistle property, it does not solve the issues for his farm. The sediment from Village Green is running into his pond, is creating blow outs in the field tile system, is killing his trees, and is creating problems with his state approved pond. Depies stated that he was advised by Eichelkraut that the Regency Hills Development storm water plan was not approved by the DNR. He stated that his land would not be tillable because the retention pond was not designed correctly which allowed pollutants and contaminants to run onto his property. Depies stated that the village should stop the development now, build an estuary of 40 to 60 acres on the western side of the development, and re-route the storm water north under Willow Valley Road. Depies felt that the village was lacking in its fiduciary responsibilities by not requiring a certificate of insurance from the developer, contractor, or attorney. He did not feel a letter of credit was sufficient and felt a bond should have been required. Depies stated that he should also be covered by the bond. Depies noted that Pudelko stated that the water running through his farm could be five to six times as much. Neumann stated that a temporary ditch was dug to divert the water to the detention pond until the pipe is installed. Thistle stated that the second sub basin drains onto his property on the west property line and also creates problems. He stated that Eichelkraut said he should talk to the village and the Plan Commission said he should talk to the school. He questioned where he should go to get that storm water issue addressed. Neumann noted that

Eichelkraut's jurisdiction starts at Sauk Creek, which starts on the Thistle property, runs across the Depies property and exits on Depies' north property line. The lowlands leading to the start of the creek would be village jurisdiction. Thistle questioned if the berm is built in the creek. Neumann stated that the creek is mapped as starting on the west side of Hwy. 57. He noted that we are all in this together; the problem is recognized and is being addressed by the DNR, developer, and village. Thistle stated that the drain tiles on his property also run under his basement. He noted that too much head pressure has caused blowholes all over his yard and he is concerned with the tiles under his basement. He would like notification when storm water plans are updated. Carla Thistle stated that the storm water problems should be fixed before any more building is allowed. She stated there is two inches of silt on their property and they can't mow. Kendall Thistle noted that the pipe running under Hwy. 57 is half filled with silt and questioned who cleans the culvert so it can drain properly. Depies stated that his pond will need to be re-dredged, his waterway will need to be re-dredged, and his tile system will need to be redone. He stated that the majority of water goes into the pond, but the water is now over the banks. He feels that the storm water system is deficient and defective and hydrostatic pressure is being created. Depies requested a moratorium, bonding, and statement from the village board on how they are going to help him. (James Stemper arrived at 7:35 p.m.) Hamm noted that a moratorium could not be discussed, as it is not on the agenda. The board understands the issue and is working on it. He noted that silt is part of the problem but so is the excess rain. There is water sitting in many areas. Mary Jane Depies stated that their farm is tiled, and there would not be water standing if it were not for the development. The current action plan is:

- The diversion pipe is being installed. This will drain the ten acres to the detention pond.
- Seed and polymer is being applied.
- The silt fence is being inspected weekly and after each rain of ½ inch or more.
- Everything the DNR requested is being done.
- A meeting will be held with the DNR and notice will be sent to the two property owners (written and verbal).
- Accusations made at the meeting will be itemized by the clerk and answered by the Director of Public Works
- All communication going forward will be written – from everyone involved.

Dohrwardt questioned what a 1 ¼" rainfall is considered – is this a five year event or a ten year event? Neumann was not sure but noted that the weatherman said it was the most rain ever on that day. Dohrwardt noted that engineering is usually designed to a certain year storm event. He also noted it may have worked better if the area had been vegetated.

Payment of Bill from Celebrate Fredonia

Payment of the bill for food items for the police officers was removed from the table on a **MOTION** by Waskiewicz, seconded by Dohrwardt, and carried. Waskiewicz noted that the 2006 Celebrate Fredonia Committee never budgeted nor implemented any process or identified any donation of funds to pay for food or beverages for officers for Celebrate Fredonia. He felt the bill should be paid but not with Celebrate Fredonia funds. A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to pay the bill to the Lion's Club for food and beverages for the officers from the General Fund. Kunstmann stated that the money left in the 2006 Celebrate Fredonia account should be used to pay this bill. The Village of Fredonia has already donated \$1,500, had employees work overtime for set up and clean up and should not have to add another \$100. Why couldn't a portion of the \$1,500 that was donated cover the cost of the food? Discussion followed on the reason for the bill, if this practice should continue, and if continued how it should be paid for in the future. Motion carried to pay the bill from General Fund with Palm, Waskiewicz, Short, and Dohrwardt voting aye, and Kunstmann, Laabs, and Hamm voting nay.

Slide Repair at Stoney Creek Park

Neumann reported that there is a substantial concrete footing at the bottom of the slide steps. It does not appear to have moved. The panels can be repaired. The steps could be cut in half with a landing constructed half way up. The village would need to accept the liability for any alterations made to the slide. The village would also need to make a commitment to keep the slide, as these would be costly repairs. After discussion a

MOTION was made by Dohrwardt, seconded by Waskiewicz, to keep the slide installed, keep it in good repair, not make any alterations to it, and add resilient material below the slide. Motion carried.

Parks Committee

Minutes from the April 2, and March 19, 2007, Parks Committee were reviewed. A commitment has been received from the Women's Group along with start up money for Celebrate Fredonia. The Class of 2008 along with their parents will participate and a tentative yes has been received from the Garden Club and Lions Club. Two bands have been contracted. The electric available at Fireman's Park may need to be upgraded.

The Parks Committee is also discussing the possibility of a skateboard park and is looking for some direction from the village board. The Parks Plan needs to be updated and the committee is asking the village staff to update the first three chapters.

Resolution No. 2007-D Approving Volunteer "Employees" for Celebrate Fredonia

This item was postponed until the next meeting.

Shared Building Committee – Resolution No. 2007-C

The Shared Building Committee met on March 29, 2007, and recommended approval of the *Intergovernmental Agreement to Create a Commission for the Management of a Joint Municipal Center*. A **MOTION** was made by Waskiewicz, seconded by Short, to adopt Resolution No. 2007-C approving the agreement as presented. Kunstmann reiterated his comments from the past meeting referencing giving the land away and having village residents pay to re-title the property. Motion carried with Kunstmann and Laabs opposed.

Appraisal of Property – 242 Fredonia Avenue

A **MOTION** was made by Waskiewicz, seconded by Short, to have Grota Appraisals appraise the 3.46 acres to be used as the building site for the joint municipal building at village expense to obtain a value for the intergovernmental agreement. Motion carried with Kunstmann and Laabs opposed.

Rezoning of Property at 240 Fredonia Avenue

A **MOTION** was made by Waskiewicz, seconded by Palm, to start the rezoning process to I-1 (Institutional) for the property at 240 Fredonia Avenue (the lot purchased by the village and currently zoned Rs-1 single family). Motion carried. (Stemper left meeting at 8:25 p.m.)

Ordinance No. 2007-02 Amending Definition of Fence

A **MOTION** was made by Waskiewicz, seconded by Short, to adopt Ordinance No. 2007-02 amending the definition of a fence to eliminate the ability to have a wire fence, although a wire mesh fence would still be allowed. Kunstmann questioned if the definition should include the plastic type fence. Motion carried.

Ordinance No. 2007-03 Creating Reserve Liquor License Grant

This item was postponed until the next meeting.

Eagle Scout Proclamations

A **MOTION** was made by Dohrwardt, seconded by Waskiewicz, concurring wholeheartedly with the Eagle Scout proclamations issued by the Village President for Michael Barrette, Benjamin Bublitz, Matthew Clarke, and Jake Lange. Motion carried unanimously.

Plan Commission – April 2, 2007

Minutes from the Plan Commission were reviewed.

Final Plat – Village Green Subdivision Addition No. 1

Based on the unresolved storm water issues, a **MOTION** was made by Waskiewicz, seconded by Short, to table approval of the final plat for Village Green Subdivision Addition No. 1 with the concurrence and approval from Regency Hills – Village Green LLC, until the storm water drainage is satisfactory to the Village of Fredonia; and if concurrence is not received from Regency Hills, the plat is rejected. Laabs noted that the storm water from Addition No. 1 does not contribute to the storm water issue. Motion carried.

Conditional Use Permit – Verizon Wireless

A **MOTION** was made by Dohrwardt, seconded by Laabs, to set the public hearing as appropriate for the conditional use application for Verizon Wireless to mount antennas on the existing water tower at 616 Tower Drive and construct an equipment building. The location of the equipment building will be moved ten feet to the northeast. Motion carried.

Comprehensive Plan – Boundary Agreements

Hamm urged the village board to pursue boundary agreements with surrounding towns based on the village's comprehensive plan.

Letter from City of Port Washington Regarding Police Department

The letter from the City of Port Washington regarding employment of Port Washington Police Department officers by the Fredonia Marshal's office was reviewed. The consensus of the village board is that the village currently trains its deputies, uses only our own equipment, has no knowledge of other equipment use, and works with our deputies full time work schedule. The village board supports cooperation with other entities to benefit all taxpayers. A meeting should be set with the Port Washington Police and Fire Commission to address their concerns. The issue was sent to the Public Safety Committee on a **MOTION** by Short, seconded by Kunstmann, and carried.

Other Business

Village President Hamm thanked Nick Bohn for attending the village board meeting. Nick is working on his Eagle Scout badge for Boy Scouts.

Report from Director of Public Works

The report from the Director of Public Works was reviewed. Kunstmann noted that the roof on the fire station is starting to buckle in areas. Waskiewicz asked the status on the proposed building by the water tower. A Public Works Committee meeting will be scheduled after the new board is seated. Laabs questioned when the driveway to the soccer field will be constructed, as he would like the Parks Committee and the Soccer Club to meet and discuss the second soccer field.

Report from Clerk-Treasurer

The report from the Clerk-Treasurer was reviewed. The Spring Election had 252 voters.

Clerk's Institute July 8 – 13, 2007

Approval was given for the Deputy Clerk-Treasurer to attend the Clerk's Institute in Green Bay July 8th through 13th, 2007, with tuition, lodging and mileage paid by the village on a **MOTION** by Short, seconded by Laabs, and carried.

Board of Review

The Board of Review will be held May 16th from 6:00 p.m. until 8:00 p.m. Open Book will be held April 27, 2007 from 11:00 a.m. until 1:00 p.m.

Correspondence

Correspondence included in the packet and reviewed include:

- Newburg Plan Commission – April 5, 2007.
- Wisconsin Video Franchising legislation.
- WI Dept. of Revenue letter regarding assessor reports.
- Anthem Blue Cross Blue Shield letter regarding service.

- WI County Mutual Insurance Corp. Winter 2007 newsletter.

Items for Future Consideration by the Village Board

Short requested input from the trustees regarding the committees they would like for the coming year. Hamm thanked everyone for allowing him to serve. He stated that he will miss parts of it.

The meeting adjourned at 9:06 p.m. on a **MOTION** by Kunstmann, seconded by Waskiewicz and carried.