

VILLAGE OF FREDONIA
VILLAGE BOARD MEETING
September 6, 2007

The regular village board meeting was called to order at 7:00 p.m. by President Short. The meeting was held at the Fredonia Fire Department Meeting Room, 201 South Milwaukee Street, Fredonia, Wisconsin. Present: Joe Short, Jill Bertram, Fritz Buchholtz, Don Dohrwardt, Bruce Laabs, Larry Palm, and Larry Waskiewicz. Also present: Frank Waning, Doug Gostchock, Ron and Diane Schmit, Mary Jane Depies, Charles and Sharon Lapicola, Kendall Kasten, Kendall and Carla Thistle, Allen Neumann, and Jo Ann Wagner. Arriving later: Noreen Higginbotham, Scot Roberts, and John Depies.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approve Minutes

Minutes from the August 23, 2007, village board meeting and August 21, 2007, Committee of the Whole meeting were reviewed. Two sets of minutes were prepared for the August 23, 2007, village board meeting – one set in the detail usually provided (marked A) and one set with only the detail required (marked B). A change on page two of set A of the minutes changed the ninth sentence to read “Restricting the flow of ~~property~~ water to the Depies property, could result in water problems for others.” A **MOTION** was made by Dohrwardt, seconded by Laabs, to approve as the official minutes document A with attachments and with the change on the second page as discussed, and to approve the minutes from the August 21, 2007, Committee of the Whole meeting. Laabs requested that each set of minutes be approved separately. Dohrwardt amended his **MOTION** to approve document A of the August 23, 2007, village board meeting with the attachments and the change on page two. Motion was seconded by Bertram, and carried with Laabs and Palm abstaining.

Minutes from the August 21, 2007, Committee of the Whole were approved as presented on a **MOTION** by Laabs, seconded by Dohrwardt, and carried.

Operator License

An operator’s license for Mark Gamerdinger was approved on a **MOTION** by Palm, seconded by Buchholtz, and carried.

Approve Payment of Bills

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

July Treasurer and Utility Reports

The July Treasurer and Utility reports were approved as presented on a **MOTION** by Palm, seconded by Laabs, and carried.

Open Session for Citizen Comments and Questions

Kendall Thistle, Chuck Lapicola, Frank Waning, Doug Gostchock, Tina Zagar, Kendall Kasten, Noreen Higginbotham, Sharon Lapicola, and Ron Schmit all spoke in favor of eliminating the village ordinance which limits rummage sales to seven days per year or increasing the number of days allowed. Chuck Lapicola read a letter to the village board, a copy of which will become a part of these minutes. Comments made by the citizens speaking include:

- Seven days is not fair or proper for the number of days for a rummage sale in a calendar year.
- “Rummage sales” at 401 Fredonia Avenue were pre-existing and should be grandfathered in.
- A rummage sale provides service to the community by providing low cost items to the community.
- Ron and Diane Schmit are valuable community resources and contribute to the community.

- The rummage sale at 401 Fredonia Avenue is always neat and clean and is not offensive to the neighbors.

Unfinished Business – Thistle Storm Water

Representatives from Mastercraft, their engineer, Carla and Kendall Thistle, Bill Harbron from the Northern Ozaukee School District and village president Joe Short met this week to discuss the storm water issues on the Kendall Thistle property. Plans will be presented at a meeting of this task force next Thursday.

Celebrate Fredonia – Close of Park Avenue

A **MOTION** was made by Laabs, seconded by Dohrwardt, to remove the close of Park Avenue for Celebrate Fredonia from the table. Motion carried. The Parks Committee has requested that Park Avenue be closed at South Milwaukee Street for safety, liability, and logistics. With the playground area close to the road, cars may not see children playing when they are leaving. Also an area is needed for trucks bringing equipment into the area. This area would also be available for handicap parking, motorcycles, authorized personnel, and firefighters and ambulance personnel responding to a call. Wheeler Avenue will also need to be closed at Stoney Creek Lane because of the fire works. This will not make the west end of Park Avenue available for parking. A **MOTION** was made by Laabs, seconded by Palm, to close Park Avenue from South Milwaukee Street west for Celebrate Fredonia except for handicap parking which will be allowed in front, motorcycle parking which will be allowed west of the handicap parking, fire fighter and ambulance personnel responding to calls, and authorized personnel (with a list provided to the village marshal). By allowing motorcycle parking in the area, it will free parking spaces on the road for vehicles. Motion carried with Dohrwardt and Waskiewicz abstaining.

Ordinance No. 2007-08 Designating Heavy Truck Routes

A **MOTION** was made by Dohrwardt, seconded by Palm, to adopt Ordinance No. 2007-08 amending the heavy traffic routes within the village. Changes include:

- “Upper Park Road” to “Park Road”
- “State Highway 84” to “County Hwy. H and A”
- “S. Milwaukee Street” to “S. Milwaukee Street from Park Street south to Meadowlark Road”
- “North Milwaukee Street” to “Martin Drive”
- Meadowlark Road

Martin Drive was included as a heavy truck route as the roadway and right of way is wider and sidewalks are available. Bertram questioned if Fillmore Street should be added as a heavy truck route. Neumann stated that a truck can drive on any of the other streets except when weight limitations are in effect. After more discussion the motion carried with Waskiewicz abstaining.

Regulation of Rummage Sales

The village board reviewed the village’s current definition of rummage sale, the Town of Cedarburg regulations on rummage sales, the state’s definition of occasional sales, the suggestions for rummage sale ordinance changes, the minutes from the September 7, 1995, and September 21, 1995 village board meeting pertaining to rummage sales and the petition from 1995 regarding rummage sales. Because of numerous complaints last year, the village board adopted an ordinance limiting rummage sales to seven days per calendar year and added the provision for residential businesses as a conditional use in residential areas. A residential business conditional use can be granted by the Plan Commission if they determine that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. Regarding the property at 401 Fredonia Avenue Short asked, “Do you re-sale?” Ron Schmit replied, “Yes.” The property at 401 Fredonia Avenue, owners Ron and Diane Schmit, has held many “rummage sales” over the past twenty years. Ron and Diane are very active in the community and many times are the first people to welcome newcomers into the village. The Schmits purchase items at other sales (not at stores) to re-sell. They also “shop” for items that others want. Issues discussed include:

- Is the “rummage sale” at 401 Fredonia Avenue actually a re-sale shop?
- Could “rummage sales” be grandfathered in?

- Should the definition of a rummage sale be changed to allow more days or should the regulations be eliminated?
- Is this type of sale required to pay state sales tax?
- Could a grant be created to help offset the \$150 conditional use application fee for residential businesses?
- Should all complaints be in writing?

After further discussion a **MOTION** was made by Dohrwardt to change the definition of rummage sale to:

Rummage sale: Also known as a garage sale or yard sale.

1. A sale conducted during daylight hours for up to three (3) consecutive days for the sale of personal household possessions. Not for any commercial venture.
2. Items may not be placed out prior to 12:00 noon the day before the sale and must be taken in by dusk of the last day of the sale.
3. A maximum of four (4) individual rummage sales are permitted at any address during a calendar year
 - a. A rummage sale held on the day of a village-wide rummage sale advertised and sponsored by a local non-profit group or the village does not count as one of the four (4) individual rummage sales.
4. This section is not intended to regulate the sale of cars, trucks, boats, trailers, snowmobiles, garden tractors or other motorized units.

No second was received. The motion failed for lack of a second. A **MOTION** was made by Buchholtz, seconded by Dohrwardt, to amend the current definition to allow one rummage sale per month for a maximum of three days. Motion failed with Bertram, Buchholtz, and Dohrwardt voting aye, and Laabs, Palm, Short, and Waskiewicz voting nay. After further discussion, a **MOTION** was made by Laabs, seconded by Palm, to table this item until the next board meeting. Motion carried with Waskiewicz opposed.

Trick or Treat Hours

In November of 2005 the village board established Trick or Treat Hours as the Saturday before October 31st from 4:00 p.m. until 7:00 p.m. Last year a village trustee questioned if this should be changed and it was requested to be added to the agenda this year before October. After review the consensus of the board was that no action is needed therefore Trick or Treat Hours will continue on the Saturday before October 31st from 4:00 p.m. until 7:00 p.m. (John Depies arrived).

Shared Building Committee – August 30, 2007 Meeting

The minutes from the August 30, 2007, meeting were reviewed. The schematics of the building are complete. The location of the building on the lot has been decided. The parking lot will be in front of the building. The building is expandable in three directions. The cost split will be 53/47. No decisions have been made on the playground equipment currently located on the Maple Lawn lot. The fence on the property is in need of repair or removal. The next meeting will be September 18, 2007.

Letter from Mary Jane Depies Regarding Public Address System

The Public Works Committee reviewed an August request from Mary Jane Depies for installation of an audio system for village board meetings. Because the village is in the process of building a new village hall, the Public Works Committee referred the request to the Shared Building Committee to include an audio system with the building project. The September 3, 2007, letter from Mary Jane Depies regarding installation of an audio system and recording of village board minutes was reviewed. Mrs. Depies also read a letter dated September 6, 2007, requesting that a sound system be used by the village board as she is hearing impaired. Although the village has accommodated Mrs. Depies by allowing her to sit close to the village board members during the meeting and by providing copies of board minutes free of charge, she did not feel these were satisfactory solutions. She felt it was critical that an amplification system be used. Scot Roberts questioned how loud Mrs. Depies wants the voices amplified, as he is concerned with OSHA standards regarding the decibels allowed before hearing is affected. It was also noted that anyone can tape village board meetings if they want as long as it does not interfere with the conduct of the meeting. After further discussion, the statement by Mary Jane Depies dated September 6, 2007 was made a part of these minutes on a **MOTION** by Short, seconded by Waskiewicz, and carried.

Parks Committee – August 27, 2007 Meeting

Laabs reported that the committee met and completed final preparations for Celebrate Fredonia.

Report from Director of Public Works

The report from the Director of Public Works was reviewed.

Classes for Helm

The proposed class schedule for Helm was reviewed. Neumann noted that this may change as Helm is exploring other alternatives. A **MOTION** was made by Palm, seconded by Buchholtz, to approve attendance at the two UW-M classes (Civil Engineering 201-801 and Physics 209-401) for Helm. The work schedule for Helm will be adjusted to accommodate his class schedule, but 40 hours of work is needed. Motion carried.

Wastewater Operator's Conference

Approval was given for Buntrock to attend the Wisconsin Wastewater Operator's Conference with registration (including business lunch and awards banquet), lodging, and mileage, on a **MOTION** by Waskiewicz, seconded by Dohrwardt, and carried.

Award Contract for Fire House Roof Repairs

Two bids were received for the fire house roof repairs. Including the ventilation work, the budget shortfall is \$12,000. The current proposal has an October deadline for completion of the work. A **MOTION** was made by Waskiewicz, seconded by Laabs, to re-bid the project with roofing to be completed by the end of June 2008. Motion carried.

Report from Clerk-Treasurer

The report from the Clerk-Treasurer was reviewed. Health insurance renewal information was received today and distributed to the village president and chairperson of the Personnel Committee.

Correspondence

Correspondence received and reviewed:

- Preliminary estimate of January 1, 2007 population.
- Ozaukee County Used Tire Collection – November 3, 2007.
- Anthem Blue Cross – change to prescription drug coverage.
- Request from Middle School for donation.
- Ozaukee County Board agenda for September 5, 2007.

Mid-Moraine Municipal Meeting – October 24, 2007

The Village of Fredonia will be hosting the October 24, 2007, Mid-Moraine Municipal meeting.

The meeting adjourned at 10:28 p.m. on a **MOTION** by Laabs, seconded