

**FREDONIA VILLAGE BOARD MEETING**  
**September 20, 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 S. Milwaukee Street, Fredonia, Wisconsin. Present: Joe Short, Jill Bertram, Fritz Buchholtz, Don Dohrwardt, and Larry Waskiewicz. Also present: Glenn Michael, Gail Michael, Kelly Mages, Chuck Lapicola, Sharon Lapicola, Jane Paulus, Lisa Dohrwardt, Diana Schmit, Ron Schmit, John Depies, Ed Oehme, Mark Jaeger, and Mary Jane Depies.

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**Approve Minutes**

The minutes of the September 6, 2007 village board meeting were approved as presented on a **MOTION** by Bertram, seconded by Dohrwardt, and carried.

**Operator License**

An operator's license for Amanda Burkart was approved on a **MOTION** by Dohrwardt, seconded by Bertram, 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 Buchholtz, and carried.

**Utility Reports**

A **MOTION** was made by Dohrwardt to approve the August Utility reports as presented, seconded by Short, and carried.

**Open Session for Citizen Comments and Questions**

Comments made by the citizens speaking include:

- Gail and Glenn Michael stated that they do not want to see the ordinance on rummage sales rescinded as stated in an e-mail to the village on September 6, 2007.
- Kelly Mages stated that she is against residents having continuous bike and rummage sales.
- David Spitzer stated that he would like additional days added to the ordinance for the number of rummage sales allowed per year.
- Diana Schmit stated that they are within the guidelines of the ordinance on rummage sales because they are only holding occasional rummage sales.
- Ron Schmit read a letter from Freida Carlson which states that the Village of Fredonia should allow residents to hold rummage sales without restrictions, except not every weekend.

**Unfinished Business – Thistle Storm Water**

The meeting with Mastercraft Builders, their engineer, Bill Harbron and Joe Short regarding the storm water issues on the Thistle property that was to have been held this afternoon was cancelled.

**Unfinished Business – Rummage Sales**

A **MOTION** was made by Dohrwardt to bring the issue of regulation of rummage sales off the table, seconded by Buchholtz, and carried.

- Short read a letter from Ron Schmit dated September 11, 2007 which requests that the board consider removing the rummage sale ordinance from their code or consider increasing the number of days from the current maximum of seven days allowed per year for rummage sales.
- Several residents also called the village hall to voice their opinions. There were five residents who called and felt that rummage sales should not be regulated. Two residents felt that the current code is adequate.

- Bertram stated that she has been asking resident for their opinions on rummage sales. One person was in favor of regulating rummage sales and one did not feel the village should regulate rummage sales. She said that most of the people she talked to wanted some guidelines but didn't really care one way or another.
- Buchholtz stated that the people he talked to were in favor of allowing rummage sales with guidelines.
- Short then read letters from Mike Sommer, Sharon Lapicola, Charles Lapicola, and Diana Schmit which were all in favor of allowing rummage sales, possibly up to one weekend a month from April through September.
- Short then noted that he also had eight phone calls at home regarding this issue. Five of the residents were in favor of the ordinance that we currently have and three residents were against regulating rummage sales. He also received a letter from Dave and Kelly Meeuwsen who are in favor of the current ordinance on rummage sales.
- Short talked with the City of Port Washington to see if they regulate rummage sales. They do not have a rummage sale ordinance; however, they do not allow continuous rummage sales.
- Short read a portion of the zoning code from the Village of Saukville which deals with Use Restrictions. Saukville can regulate rummage sales under this code if there are complaints or problems with continuous rummage sales.
- Waskiewicz stated that he sent out a questionnaire via e-mail to approximately 50 village residents regarding rummage sales. The e-mail explained the current ordinance, the reason for the questionnaire, and the definitions of rummage sales and residential businesses. He received five responses back on the questions with three residents against changing the current ordinance and two others not really answering his questions. Waskiewicz also had two voice mails that he replayed to the board. One was from Lud Miller who stated that he does not care how many rummage sales a resident has. The other was from Duane Plier who said that he feels that five to six rummage sales per year is enough and that we should not allow continuous sales of items in residents' front yards.
- Waskiewicz feels that one of the issues is not only the number of rummage sales, but that Ron Schmit buys things and then resells them at his rummage sale. If this were the case, it could be considered a resale business.
- Ron Schmit replied that when they purchase things at a rummage sale it then becomes their personal property and they can do whatever they want with it. He does look for things that other people tell him to buy for them. He feels that people need to work together and do nice things for each other.
- Ron Schmit questioned who Waskiewicz's e-mail questionnaire was sent out to. Waskiewicz replied that he sent it out to village residents that he had an e-mail for. Schmit asked if it went to the Women's Group and the parents of the Girl Scouts. Waskiewicz replied that those people were on the list of e-mails that were sent out.
- Bertram feels that the rummage sale issue has gotten out of hand and that it should be settled once and for all as there are more important things that the board should be spending their time on. She does not have a problem with increasing the number of rummage sales allowed, possibly 10-12 days per year.
- Dohrwardt agreed that the existing rummage sale ordinance might be a bit restrictive and feels that four weekends per year is reasonable. If someone wants to hold a rummage sale more than that they would need to obtain a conditional use permit for a residential business.
- Short questioned what the Schmit's do with "junk" that is no longer usable to them. Ron Schmit replied that they usually take items that they don't sell or no longer have a use for to St. Vincent DePaul's.

A **MOTION** was made by Bertram for the village to draft an ordinance change for rummage sales allowing four rummage sales of three days each per year for a maximum of 12 days per year, excluding the village-wide rummage sale, to be brought before the

Village Board at their October 4<sup>th</sup> meeting for consideration, seconded by Dohrwardt, and carried, with Waskiewicz opposed.

#### **Shared Building Committee Meeting – September 18, 2007**

Waskiewicz stated that the Shared Building Committee met on September 18<sup>th</sup> with Smies Architects. The schematics of the building are done and they are now working on the engineering phase of the project, including electrical, sewer and water. A representative from Digicom was at the meeting to discuss the electronics for the new building including data, video, security, networking, and phone.

Short explained that the Town of Fredonia Board has given their consent to the Shared Building Committee to go out to bid for the project and also needs permission from the Village Board. A **MOTION** was made by Dohrwardt to give the Shared Building Committee authority to go out for bid on the shared building project, seconded by Buchholtz, and carried.

#### **Plan Commission- September 10, 2007**

- The Plan Commission approved a Conditional Use Permit for Mastercraft Builders to use the house at 453 Emerald Hills Drive, Lot #4 as a model home/sales office for the Village Green Subdivision.
- A Sign Permit was approved for PHD Roof Doctors at 340 S. Milwaukee Street.
- A Zoning Permit was approved for Adjustable Fixture Co. at 600 S. Milwaukee Street.
- The Plan Commission recommended to the village board to rezone the property at the corner of Edmaro St. and Partridge Lane owned by Edward Oehme from A-1 Agricultural to RS-1 Single Family Residential.
- The site plan and erosion control plan submitted by Metal Werx for a 10,375 square foot addition onto the north side of the existing building at 755 Tower Drive was approved.
- The site plan and erosion control plan submitted by Lundman Development for a 2,128 square foot addition onto the west side of the existing block building at 421 Wheeler Avenue was approved.
- The Plan Commission recommended to the Village Board to continue with the existing code on Mineral Extraction which allows it in all districts as a Conditional Use.
- The Plan Commission recommended to the Village Board to approve a variance to exceed the 6% maximum centerline street grade by 2.13% for the portion of the roadway on the proposed Martin Avenue east of Fillmore Street.
- They also recommended that the village board approve combining the two properties owned by the Village of Fredonia at the Maple Lawn site and re-titling it as joint ownership between the Village of Fredonia and the Town of Fredonia.

#### **Rezone Property at 121 Edmaro Street – Schedule Public Hearing**

A **MOTION** was made by Dohrwardt to schedule a Public Hearing for the rezoning of property at 121 Edmaro Street owned by Edward Oehme from A-1 Agricultural to RS-1 Residential, seconded by Bertram and carried.

#### **Mineral Extraction Ordinance 13-1-75**

A **MOTION** was made by Dohrwardt to continue with the existing code on Mineral Extraction which allows it in all districts as a Conditional Use, seconded by Short, and carried.

#### **Maple Lawn Property – Combine Two Lots and Re-title to Joint Ownership**

A **MOTION** was made by Waskiewicz to combine the two properties owned by the Village of Fredonia, Tax Key #09-050-03-03-008 (located behind 218 Fredonia Avenue) with the adjoining Maple Lawn property located at 242 Fredonia Avenue, Tax Key #09-050-03-03-003 and to re-titling the aforementioned combined properties as joint ownership between the Village of Fredonia and the Town of Fredonia, seconded by Dohrwardt, and carried.

### **Variance Request for Road Grade for Martin Avenue**

A **MOTION** was made by Dohrwardt to approve a variance to exceed the 6% maximum centerline street grade by 2.13% for the portion of the roadway on the proposed Martin Avenue east of Fillmore Street, seconded by Short, and carried.

### **Parks Committee – Celebrate Fredonia**

A **MOTION** to postpone the report from the Parks Committee on Celebrate Fredonia was made by Dohrwardt, seconded by Buchholtz, and carried. Short thanked the Ozaukee Press for their coverage of the event and he also publicly thanked the Parks Committee and the volunteers for their help in making Celebrate Fredonia a success.

### **Architectural Control Board Meeting – September 12, 2007**

The Architectural Control Board approved the model home/sales office at 453 Emerald Hills Drive for Mastercraft Builders. The addition for Metal Werx at 755 Tower Drive was tabled. The 2,128 square foot addition at 421 Wheeler Avenue for Lundman Development was approved.

### **NIMS Requirements**

Short has completed the 2007 NIMS Compliance Certification and will be signing it and returning it to Ozaukee County. The only question he had yet was on inventorying our community response assets.

### **Letter From Mary Jane Depies – Village Green Subdivision Letter of Credit**

Mary Jane Depies stated that she has been sick the last couple of days and would like to postpone the discussion until the next Village Board meeting. She thanked the Village Board for providing the Assistive Listening Device for her at the meetings. A **MOTION** was made by Short to table discussion with Mary Jane Depies on the Village Green Subdivision Letter of Credit, seconded by Dohrwardt, and carried.

### **Acquisition of Road Right-of-Way at 218 Fredonia Avenue**

Short stated that he will discuss proposing to construct a driveway for Roger and Chris Janke that would connect to the roadway to the east along the Fairbert residence at Village of Fredonia expense in exchange for the vacating of the existing easement to the west.

### **Report from WWTP Manager**

The report from the WWTP Manger on operations of the plant was reviewed.

### **Report from the Director of Public Works**

The report from the Director of Public Works was reviewed. Waskiewicz questioned how far along they were on the second soccer field at the Marie Kraus Park. Neumann replied that they will be ready for seeding. However, the field will not be ready for games until next fall. Waskiewicz stated that they will probably lose the soccer field at the Maple Lawn property once the new hall is built. Waskiewicz questioned if Neumann thought that the village could do the some of the excavating work on the Maple Lawn property. Neumann replied that we could retain the use of the CAT that we are leasing and possibly start on moving ground next week. They will be able to use this ground as fill at the Marie Kraus Park. The Shared Building Committee will need to agree on sharing the excavating expenses between the Town and Village. Waskiewicz stated that it was mentioned that if it saves money they would both agree to it if the village feels that they have the ability to accomplish it. They will discuss this at their next meeting.

### **Depies Meeting Request With DNR**

An e-mail was sent to Neumann from Susan Eichelkraut of the DNR dated September 18<sup>th</sup>. Mary Jane Depies is requesting the Village, Developer and their Engineer, John Depies, Mary Jane Depies and Susan Eichelkraut to attend another site visit of her alleged property damage from the Village Green Construction site. Short stated that due to the fact of possible litigation the Village should not be on the Depies property or discuss anything on this issue with the DNR at this time. A **MOTION** was made by

Short that the Village of Fredonia not attend the meeting requested by Mary Jane Depies regarding the Village Green Subdivision as noted in the e-mail from Susan Eichelkraut of the DNR, seconded by Buchholtz, and carried.

#### **Report from the Clerk-Treasurer on Operations of the Village**

The report from the Clerk-Treasurer was reviewed. The Memorandum of Understanding on the Statewide Voter Registration System from Ozaukee County was tabled until the October 4, 2007 village board meeting on a **MOTION** by Dohrwardt, seconded by Short, and carried.

#### **Correspondence**

Correspondence received and reviewed:

- Ozaukee County Medication Take Back Program
- Verizon – Commencement of Lease
- Thank You form the Fredonia Baseball League
- Ozaukee County Economic Development Corporation report on past year
- Ozaukee County Board agenda for September 19, 2007

The meeting adjourned at 8:45 p.m. on a **MOTION** by Dohrwardt, seconded by Buchholtz, and carried.