

FREDONIA VILLAGE BOARD MEETING

May 15, 2008

The regular village board meeting was called to order at 7:00 p.m. by President Short. Present: Joe Short, Jill Bertram, Fritz Buchholtz, Don Dohrwardt, Chuck Lapicola, and Larry Waskiewicz. Also present: Allen Neumann, Attorney Deb Hoffman, Chris Kunstmann, Trevor Cary, Village Marshal Michael Davel, Mark Jaeger, and Jo Ann Wagner. Arriving later: Tom Wellnitz and Jerry Dimmer.

Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

Approve Minutes

Minutes of the May 1, 2008, village board meeting were approved as presented on a **MOTION** by Waskiewicz, seconded by Lapicola, and carried.

Approve Payment of Bills

With the addition of a bill for U. S. Postal Service for 1,000 stamped envelopes in the amount of \$482.60, the general fund, water and sewer bills were approved for payment on a **MOTION** by Waskiewicz, seconded by Lapicola, and carried.

April Utility Reports

The water and sewer utility reports were approved as presented on a **MOTION** by Waskiewicz, seconded by Lapicola, and carried. (Wellnitz arrived).

Citizen Comments

Tom Wellnitz, 477 South Milwaukee Street, noted that President Short's letter with the April newsletter encouraged citizens to become a Fire Department member. He stated the newsletter also recognized Fire Department members for years of service and extended his thanks to all fire department members for their service to our community. He also noted that Relay for Life is this weekend and Ron Schmit is an honorary chairman. Wellnitz commented that the April 17, 2008, meeting minutes state that the village spent \$720 on attorney fees and this was supporting the FFF/EMS Association. He felt this was a frivolous waste of money and the village should have discussed sign locations with Grafton and Cedarburg. Wellnitz noted upcoming events sponsored by non-profit organizations were listed in the newsletter and asked if this type of event would be allowed on the sign proposed by the FFF/EMS Association. Wellnitz noted that the Ethics Code emphasized that it should "improve standards of public service". He also felt an Ethics Board should be appointed. His last comment was regarding the Cable Franchise fee received from Time Warner Cable. In 2007 the village received \$19,032. The intent of the fee is to benefit the subscribers with local programming. He suggested this money be used to video tape/broadcast village meetings.

Chris Kunstmann asked if the village budgeted money for the baseball league for 2008. Short stated that they did and the money is released when it is requested by the baseball league.

Closed Session

Trevor Cary questioned why the village board was going into closed session to confer with legal counsel. Short stated that it allows for attorney / client privilege. Cary stated that this is only allowed when litigation is possible. Cary asked permission to attend the closed session. State Statute Section 19.85 (1)(g) allows a governmental body to confer with legal counsel in closed session for the purpose of obtaining oral or written advice concerning strategy to be adopted by the body with respect to present and prospective litigation directly involving the governmental body. Wellnitz questioned if litigation was possible. Short stated that it was.

Per Wisconsin Statutes 19.85 (1)(c) and (1)(g) the village board convened into closed session at 7:20 p.m. to discuss employment and opinion of village attorney on a **MOTION** by Dohrwardt, seconded by Bertram, and carried unanimously on a roll call vote.

Adjourn Closed Session and Reconvene into Open Session

The closed session adjourned and the meeting reconvened into open session on a **MOTION** by Lapicola, seconded by Bertram and carried unanimously with a roll call vote. (Jerry Dimmer arrived.)

Sign Location – Fredonia Fire Fighter / EMS Association

Attorney Hoffman explained that allowing a private sign on public property could become a first amendment issue and create a public forum. If the village would allow the sign to be erected, it would open the door for any private organization to put a sign on public property. She advised the village not to allow the sign. If the FFF/EMS Association wants to donate the sign to the Fire Department, as a municipal sign it would be allowed. It was clarified that the original request came from the FFF/EMS Association, not the Fredonia Fire Department. At that time, the village board agreed to the Maple Lawn site but required the association to get Plan Commission approval. Short noted that the Plan Commission would not have approved a private sign on public property. Kunstmann stated that village ordinance does not prohibit private signs on public property. Wellnitz questioned if there was a distinction between the private business and a quasi-public organization that only exists for the benefit of the public. The board clarified that the Fredonia Fire Department is a department of the village, while the Fredonia Fire Fighter / EMS Association is a separate corporation. Wellnitz said the members are the same, and courts would consider the groups the same. Short stated that if in essence they are the same, and if they are considered the same, did the FFF/EMS Association want the sign as part of the village. Kunstmann stated that the association does not want to donate the sign to the village; the organization wants control over the sign. Bertram asked if the sign could be donated to the Fire Department and if so, who would pay for the electricity. Cary stated that the association would pay for the power for the sign. Kunstmann reiterated that the association did not want to donate the sign to the Fire Department and stated that without a definite location, questions about electricity could not be answered. He stated that some funds would need to be returned if the sign is donated. Cary asked for options. Short stated that the sign could be located on private property (as long as it complies with village ordinance), or the sign could be donated to the Fire Department. Wellnitz questioned if property for the sign could be leased to the association. Buchholtz questioned if the village could sell a portion of land to the association. Hoffman stated that land could be sold but all ordinances would need to be followed. A **MOTION** was made by Short, seconded by Dohrwardt, to deny the request to put the private sign on public property. Cary noted that the sign will be beneficial to the village, and they want a highly visible site. They will explore the other options. Zoning, land division, and sign permits are reviewed by the Plan Commission. Waskiewicz asked if other non-profit organizations will be allowed to put information on the sign. Cary stated that the FFF/EMS Association and their sign committee would control the sign content. He could not say for sure what would be allowed on the sign. Kunstmann commented that it may depend on the time of year. Other information may not be allowed during Fire Prevention Week and certain other times. Their policy has not yet been established. Motion carried to deny the private sign on public property with Buchholtz voting nay. (Kunstmann, Cary and Dimmer left)

Dissolution of TID No. 2 – Forest Glen Subdivision

Short stated that the Forest Glen Homeowners Association will no longer be billed for trash collection, street lighting and snow plowing as of January 1, 2009, since the tax incremental district has been dissolved. The last year for an increment is the 2007 taxes funding the 2008 budget.

(At this time the Clerk-Treasurer left and minutes were taken by Trustee Waskiewicz and later transcribed by the Clerk-Treasurer.)

Report from Finance Committee – May 12, 2008

The Finance Committee met and reviewed three quotes for insurance for the village. The quotes are within \$954 of each other. Each company will be asked for a quote to insure the Shared Hall. Dohrwardt noted that some of the policies have different deductibles and asked the board which deductibles are preferred. After discussion a **MOTION** was

made by Buchholtz, seconded by Bertram, to request an option of a \$4,000 deductible on property and \$2,500 deductible on property, and \$10,000 medical on auto. Motion carried. It was discussed if auto deductible should be \$1,000. A **MOTION** was made by Buchholtz, seconded by Lapicola, to allow the Finance Committee to contract with the low bidder for insurance coverage and sign the contract. Motion carried.

Report from Plan Commission – May 5, 2008

The report from the Plan Commission was reviewed. The site plan, erosion control plan, and fence for 117 Meadowlark Road were approved. Logan was told to contact the Fire Chief Brian Schommer for input and specifications required for a gate that will allow entrance of safety equipment. After discussion a **MOTION** was made by Lapicola, seconded by Dohrwardt, to adopt Chapter 11- Utilities and Community Facilities, of the Ozaukee County Multi-Jurisdictional Comprehensive Plan. Motion carried.

Report from Architectural Control Board – May 7, 2008

The report from the Architectural Control Board was reviewed. A storage building at 117 Meadowlark Road was approved. The Architectural Control Board discussed Dryvit and stucco as exterior building materials. Waskiewicz requested that the “They” in the last sentence of the section on *Dryvit and Stucco in Manufacturing Districts* be clarified.

Resolution No. 2008-E Honoring Scott Nauman for his Service

Resolution No. 2008-E honoring Scott Nauman for his service as deputy village marshal was adopted on a **MOTION** by Dohrwardt, seconded by Buchholtz, and carried.

Ethics Code

The Ethics Code for the Village of Fredonia was reviewed by all board members present.

Department Reports on Operations of Village

FIRE DEPARTMENT: The report from the Fire Chief was reviewed.

VILLAGE MARSHAL: The report from the Village Marshal was reviewed. A **MOTION** was made by Dohrwardt, seconded by Buchholtz, to **approve the hiring of Dustin Cline as a deputy marshal** as discussed in closed session. Motion carried.

WASTEWATER TREATMENT PLANT MANAGER: The report from the Wastewater Treatment Plant manager was reviewed. Neumann stated that bio-solids are being hauled.

DIRECTOR OF PUBLIC WORKS: The report from the Director of Public Works was reviewed. Neumann asked if the board would like a video presentation on the Martin Drive project. All board members agreed it was not necessary.

After discussion, a **MOTION** was made by Dohrwardt, seconded by Buchholtz, to **approve the budgeted purchase of a locator from Davies Water in the amount of \$3,040**. Motion carried. Neumann noted that holes are dug on the Martin Drive project and pipe will be pushed starting next week. Sidewalk inspections will be conducted this month.

CLERK-TREASURER: The report from the Clerk-Treasurer was reviewed. A **MOTION** was made by Lapicola, seconded by Dohrwardt, to **approve the destruction of records** as requested and to contract for their disposal. Motion carried.

Resolution No. 2008-F changing the polling location for all wards within the Village of Fredonia to 242 Fredonia Avenue was adopted on a **MOTION** by Bertram, seconded by Lapicola, and carried.

Mid-Moraine Municipal Association Meeting – May 28, 2008

The Mid-Moraine Municipal Association is a group of Ozaukee and Washington County communities. The next meeting is May 28, 2008. Anyone wishing to attend should contact the Village Clerk.

Correspondence

Correspondence received and reviewed:

- Commerce press release regarding Building Safety Week.
- Time Warner Cable gross revenue statement for year ending 12/31/2007.
- S.E.W.R.P.C. memo on Intergovernmental Cooperation Chapter of local Comprehensive Plan.
- American Transmission Company letter regarding upgrades to transmission line.
- 2007 Financial Report.

Items for Future Consideration

Waskiewicz requested that the village look at connecting sidewalks in the village for safety reasons and budget for this in 2009.

The meeting adjourned at 9:40 p.m. on a **MOTION** by Dohrwardt, seconded by Lopicola, and carried.