

**FREDONIA BOARD OF REVIEW
AND
VILLAGE BOARD MEETING
June 5, 2008**

Board of Review

The Board of Review was called to order at 7:00 p.m. The meeting was recessed until June 25, 2008, at 6:00 p.m. at 242 Fredonia Avenue on a **MOTION** by Dohrwardt, seconded by Lapicola, and carried. The Board of Review is comprised of the village board and the village clerk. The *Guide for Board of Review Members* was distributed to all Board of Review members.

The Board of Review adjourned and the regular village board meeting was called to order at 7:03 p.m.

Present: Joseph Short, Fritz Buchholtz, Jill Bertram, Don Dohrwardt, Chuck Lapicola, and Larry Waskiewicz. Also present: Allen Neumann, Andy Siebert, Attorney Deborah Hoffman, Chris Kunstmann, Jerry Dimmer, Mike Davel, Mark Jaeger, and Jo Ann Wagner.

Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

Approve Board Minutes

Minutes of the May 15, 2008, village board meeting were approved as presented on a **MOTION** by Lapicola, 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 Lapicola, seconded by Bertram, and carried with Dohrwardt abstaining.

Martin Drive Project – Pay Request No. 1

A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to approve payment request No. 1 for the Martin Drive project in the amount of \$79,622.83. Neumann stated the clearing, grubbing and 90% of the excavation is complete. The watermain has been installed under the railroad tracks, creek, and future bridge. Motion carried.

April Treasurer's Report

The April Treasurer's report was approved on a **MOTION** by Dohrwardt, seconded by Lapicola, and carried.

Approve Operator's License

A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to approve operator licenses for Brandon Bustamante, Angela Hollnagel, Cindy Clausing, Cathy Hamm, Eric Liniewski, Laura Pantle, Brenda Regozzi, Patricia Roggenbuck, Ashley Sommer, Mary Sommer, Susan Tappa, and Elizabeth Wedereit. Motion carried.

Approve Class A and Class B Licenses

A **MOTION** was made by Waskiewicz, seconded by Bertram, to approve a Class A Beer and Liquor license for Rogels, Inc., d/b/a Village Market, David Roggenbuck agent, and for Stadko, Inc., d/b/a Fredonia Citgo, Thomas Mongoven agent; and to approve a Class B Beer and Liquor license for Mr. Fritz's, Fritz Buchholtz, and for Wach this Way, Connie Wach. Motion carried with Buchholtz abstaining.

Open Session

Waskiewicz commented that meetings should not be scheduled at the Shared Hall at this time. He felt the first meeting at 242 Fredonia Avenue should be the Joint Building Committee giving the building to the Fredonia Government Commission.

Presentation of 2007 Financial Report

Andy Siebert, Virchow Krause and Company, summarized the 2007 Village of Fredonia Financial statement. He stated they test compliance with state laws, review internal control and issue a one page document that is the audit opinion. The village was issued an “unqualified” or “clean” opinion. (Cary arrived) The internal control report identifies some internal control improvements. These are very common in a small office. Siebert recommended that the Management Discussion and Analysis, which summarizes the financial report, be read. He stated that the village is in a very favorable position. (Ron and Diana Schmit arrived) At year end the village had \$1.4 million in debt. The village is allowed \$6.6 million which is 5% of equalized value. (Wellnitz arrived). Siebert also reviewed the letter communicating information to the village board on the proposed 2008 audit.

Request for Reduction in Letter of Credit – Village Green

The request from Regency Hills Development, Nancy Washburn, for a reduction in the letter of credit required for the Village Green Subdivision was reviewed. The reduction in credit requested is from \$508,330.00 to \$205,717.00. Allen Neumann, Director of Public Works, has reviewed the request and recommended the letter of credit be reduced to \$233,771.87 to reflect changing prices and a 25% contingency. A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to reduce the letter of credit for Village Green to \$233,771.87. Motion carried.

Reconsider Motion to Not Allow Private Signs on Public Property

A **MOTION** was made by Dohrwardt, seconded by Buchholtz, to reconsider the motion from the last meeting to not allow private signs on public property. Motion carried with Waskiewicz voting nay. Dohrwardt stated that the motion denied all possibilities of the Fredonia Fire Fighter / EMS Association sign on public property. He believes this was not the intent of the village board. He questioned if we could limit signs to organizations that are solely for the benefit of the village or a village department. Dohrwardt would like an opinion from the attorney on this to see if this could allow the association to construct the sign. Lopicola and Buchholtz agreed that it would be good to do. Waskiewicz stated we already have a legal opinion on allowing private signs on public property. Attorney Hoffman stated she would have to research if an ordinance could be created to allow non-profit organizations in existence for the benefit of the village or department of the village to construct a sign on public property before issuing an opinion. This type of ordinance would require the village to look at corporation papers and minutes from the organization before issuing a permit to see if they are there to benefit the village. If the ordinance could be sufficiently objective, it may be legal. Buchholtz agreed we should look at this possibility. Discussion followed on possible lease language that would allow private signs on leased public property. Kunstmann noted that the Fredonia Fire Fighter / EMS Association wants to construct a sign in the village for the benefit of its residents. They are looking for ideas on how to accomplish this and are always pursuing other options. A **MOTION** was made by Dohrwardt, seconded by Lopicola, to rescind the motion prohibiting private signs on public property and replace it with a **MOTION** to have the village attorney research creation of an ordinance allowing nonprofit organizations, which are organized solely for the benefit of the village or a department of village, to put a sign on public property. Bertram questioned if the FFF/EMS Association could donate the sign to the Fire Department and then lease it back from the Fire Department. Control of the sign could be defined in the lease. Bertram suggested that it could also be a fund raiser by charging for other types of messages on the sign. In response to why the association does not want to donate the sign, Kunstmann stated that the Association does not want to donate the sign as they don't trust government. The association had approval for the sign from the village and now they don't. This is a complete reversal. Dohrwardt noted that according to Roberts Rules of Order, when a motion is reconsidered, it brings the item back into debate and the original agenda items back on the floor. After further discussion a vote was taken on the motion to rescind the motion prohibiting private signs on public property and replace it with a **MOTION** to have the village attorney research creation of an ordinance allowing nonprofit organizations, which are organized solely for the benefit of the village or a department of the village, to put a sign on public property. Motion carried with Dohrwardt, Buchholtz, and Lopicola voting aye, Waskiewicz and Short voting nay, and Bertram abstaining.

Request by Residents to Review Rummage Sale Regulations

The letter received from Tom Wellnitz, Ron Schmit and Diana Schmit was reviewed. Wellnitz stated that rummage sales serve several purposes including social interaction and neighborliness. Ron Schmit noted that that Villages of Adell, Random Lake, Belgium, Grafton, Newburg, and Saukville do not have any ordinance regulating rummage sales. The City of West Bend and Cedarburg, and the Town of Cedarburg have ordinances. West Bend allows four per year/no more than 12 days, City of Cedarburg allows four per year/no more than 16 days, and Town of Cedarburg allows five per year/no more than 10 days. Wellnitz noted that only larger communities had ordinances and felt the village did not need an ordinance. Ron Schmit presented a petition signed by 65 residents requesting that the rummage sale ordinance be removed. He also presented a letter from Mike Sommer, 114 S. Milwaukee Street, stating he had no problem with the rummage sales at 401 Fredonia Avenue. Wellnitz questioned why the village endorses the village wide rummage sale, but then regulates other rummage sales. He felt the ordinance should be rescinded. It was noted that rummage sales bring people into the village, and may help other businesses. Waskiewicz noted that there were other issues why the ordinance was created. This has been discussed two times in the last term and it was noted that the items have been purchased and then re-sold. A conditional use permit would resolve the situation. After further discussion a **MOTION** was made by Bertram, seconded by Lapicola, to revisit the rummage sale ordinance for possible change. Short noted that a public hearing would be needed. Attorney Hoffman suggested that this be referred to the Plan Commission. A friendly amendment was made by Dohrwardt, to send the review of the rummage sale ordinance to the Plan Commission for a recommendation. Bertram agreed. Motion carried.

Appoint Members to Fredonia Government Center Commission

Short recommended that Larry Palm and Larry Waskiewicz be appointed to the Fredonia Government Center Commission. A **MOTION** was made by Dohrwardt, seconded by Buchholtz, concurring with the appointments. Village appointed committee members are to be paid. Motion carried with Waskiewicz recused.

Parks Committee – April 30, 2008

Buchholtz reported that the last band has been contracted for Celebrate Fredonia. The Lioness Club will handle ice cream sales, since we have not heard from the 4-H Club. They are also checking into the possibility of a car show.

Public Works Committee – May 22, 2008

Minutes from the May 22, 2008, Public Works Committee meeting were reviewed. Veolia will contact the commercial accounts with the proposed fee based on the service required by each particular account. Construction of a public works building was discussed. Plans will need to be stamped by an architect or engineer.

Purchase of Street Sweeper

Discussion followed on the possible purchase of a used 1993 truck mounted street sweeper from the Village of Grafton. This would be a shared purchase with the Village of Adell. The 2008 budget included \$5,760 for street sweeping. The remainder of the purchase could be taken from the Equipment Reserve account. Per the equipment replacement schedule, the street sweeper would be replaced in 2009 at an estimated cost of \$130,000. By purchasing this sweeper, it should move the replacement to 2019. A **MOTION** was made by Lapicola, seconded by Dohrwardt, to pursue the option of a shared purchase of the 1993 street sweeper at a cost not to exceed \$20,000. The Village of Fredonia will dispose of its 1980 street sweeper. Motion carried.

Architectural Control Board – May 28, 2008

The minutes from the May 28, 2008, Architectural Control Board were reviewed. A new home was approved for 323 Deer Meadow Drive.

EIFS and Stucco as Permitted Material in Manufacturing District

Since the Chairperson of the Architectural Control Board was not present to discuss this item, a **MOTION** was made by Dohrwardt, seconded by Waskiewicz, to postpone this item until the next meeting. Motion carried.

Changes to Fees for Electric and Plumbing Permits

The proposed changes to electrical and plumbing permit fees were discussed. That last time these fees were increased was February of 2002. Board members questioned the need to increase the fees. A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to table this item until the chairperson of the Architectural Control Board is present to discuss. Motion carried.

Finance Committee – May 29, 2008

Minutes from the May 29, 2008 Finance Committee were reviewed. Village insurance was awarded to A.N.Ansay and includes insuring the Shared Hall.

Allocate Surplus Funds from 2007 Budget

After discussion, a **MOTION** was made by Short, seconded by Lopicola, to allocate the \$47,616 of surplus funds from 2007 to the village shop project. Motion carried.

Report from Fire Chief

The report from the Fire Chief was reviewed. Short reported that the ambulance responded to his block this week with good response. The resident is very appreciative of what the Fire Department did.

Report from Village Marshal

The report from the Village Marshal was reviewed. Marshal Davel also distributed the 2007 Municipal Court summary. The number of tickets increased by 10% in 2007. The revenue generated was \$13,750.21. The village received \$48.76 per citation. (Davel left)

Report from Wastewater Treatment Plant Manager

The 2007 Compliance Maintenance Annual Report was reviewed. Buntrock noted that no treatment violations occurred although the collection system did generate some points from the sanitary sewer overflow last July. The Utility Committee should schedule a meeting to create a written plan for addressing inflow and infiltration. Any action at this time is voluntary. Some areas of the collection system have been televised this year. New technology can make some repairs through the lateral. Some older buildings in the village are not compliant with current regulations and have foundation drains connected to the sanitary sewer. A **MOTION** was made by Dohrwardt, seconded by Lopicola, to adopt Resolution No. 2008-G approving the 2007 Compliance Maintenance Annual Report.

Report from Director of Public Works

The report from the Director of Public Works was reviewed. Trustees will complete a request form for any village keys they require. Waskiewicz requested that the Public Works Department cut grass at the Shared Hall site and keep track of time spent on maintenance there.

Report from Clerk-Treasurer

The report from the Clerk-Treasurer was reviewed.

Correspondence

Correspondence received and reviewed include:

- Premier Vision – move to 120 Martin Drive
- Time Warner Cable – First quarter franchise fee.
- Water and sewer rate survey.
- Congressman Sensenbrenner – Monday, June 30, 2008 at village hall.
- County board agenda for June 4, 2008.
- Eastern Shores Library System Service Memo.
- Ozaukee County Tourism letter.

July and August Village Board Meetings

Because of the Fourth of July holiday, July board meetings will be held on July 10 and 24, and August board meetings will be August 14. These meeting dates were approved on a **MOTION** by Lapicola, seconded by Dohrwardt, and carried. If additional meetings are needed, they may be scheduled at the discretion of the village president.

Items for Future Consideration

Lapicola noted that everyone was upset over the re-valuation. The weed commissioner should be notified of unsightly growth. Fireworks are only allowed in the village by permit.

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