

**FREDONIA VILLAGE BOARD MEETING
December 4, 2008**

The public hearing on the proposed 2009 general fund, capital, debt service, TID, fire department, water and sewer utility budgets was called to order at 7:00 p.m.. George Brookins asked what was planned in the budget for the increased property tax. He suggested that the village cut back on overtime or use lay offs as needed. Short explained that the proposed tax levy is \$790,840 which includes \$463,296 for general fund, \$191,215 for debt service, and \$136,329 for capital projects. The increase in debt service is from the shared hall project and the Martin Drive project. The water and sewer utility will each pay \$80,435 over the next two years towards the cost of the village hall as the utility offices are located in the building. The village portion of the levy will be \$4.69 this year compared to \$6.49 last year. With the re-valuation of assessed property and the closing of the tax incremental district the average decrease should be 3% to 5%. No other comments were received.

Close of Public Hearing and Call to Order of Regular Village Board Meeting

A **MOTION** was made by Palm, seconded by Bertram, to close the public hearing and call the regular village board meeting to order at 7:14 p.m. Motion carried. Present: Joseph Short, Jill Bertram, Fritz Buchholtz, Don Dohrwardt, Larry Palm, and Larry Waskiewicz. Also present: Kendall and Carla Thistle, Mark Jaeger, Judy Cleveland and her daughter, George Brookins, Kim and Mark Bartolotta, Brian Schommer, Chris Kunstmann, Allen Neumann, and Jo Ann Wagner. Arriving later: Ed Oehme and Attorney Bob Feind.

Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

Approve Minutes

Minutes from the November 20, 2008 village board meeting were reviewed. Palm requested that the seventh sentence under Create Ad Hoc Celebrate Fredonia Committee be changed to read "Palm noted that at this time the committee would keep the same structure as in the past with four groups involved but may change it in the future." With this change the minutes were approved on a **MOTION** by Dohrwardt, seconded by Palm, 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.

Operator License

A **MOTION** was made by Palm, seconded by Bertram, to approve an operator's license for Richard Hoffman. Motion carried.

Open Session for Citizen Comments

Kendall Thistle commented that he does not have high speed internet access and asked if the village has any agreements with the phone company that would allow all resident to access the internet. It was noted that Bertram Wireless provides service in the village as does Time Warner Cable.

Kim Bartolotta commented that she did not know why the village board was considering allowing more dogs but is very concerned about barking dogs. She stated she did not care about the number of dogs but does want dogs controlled. She does not want to waste our police officer's time having to respond to uncontrolled barking dogs.

Judy Cleveland commented that she has four dogs and tries to control them. Someone goes to the garage door every time the dogs go out. She stated she had two dogs and then her daughter and son-in-law moved in with her to help her and they also had two dogs.

Unfinished Business – Kendall Thistle Storm Water Issue

Thistle requested information on the improvements to his property. The email from Nancy Washburn was read noting that Mastercraft Builders has re-graded the top of the berm and lands to the west of the pond so that water from rain or snow melt is directed north to the Diversion Ditch swale and into the pond; re-graded and bermed off an area directly north of Thistle's northwest property line to keep water directed back to the new storm sewer and into the pond; and added a restrictor pipe to the outlet structure in the pond to hold back water and release it at even slower rates into the Hwy. 57 ditch. In addition they have received a permit from the DOT to re-grade the ditch, but have not as yet performed that task due to lack of financial resources. Washburn also noted that Thistle has dammed his entire west property boundary causing water to back up onto the school property and was not sure if any additional work was needed. Thistle asked if Mastercraft will be doing the project when they get the funds. Short stated that there isn't anything they can do at this time. Thistle stated that it appears they have money to build houses and he wants the village to require them to complete the project on his property. Dohrwardt stated that the village was a facilitator and only provided a meeting place. The village is not involved in any agreement between the two. Thistle was told to contact Mastercraft directly and was advised that he will need to give them approval to go on his property if he wants the silt fence and stones removed or the ditch area re-graded.

Unfinished Business – Review of Plumbing and Electrical Permit Fees

The Architectural Control Board has recommended an increase to electrical and plumbing permit fees. The last time these fees were increased was February of 2002. Waskiewicz noted that the village has not increased plumbing and electrical permit fees when compared to other communities but questioned if our costs to process and inspect the permits has increased. Dohrwardt stated that we should have a "model" home to compare fees and impact as taxpayers should not be subsidizing new homes. Bertram commented that some of the fees are increasing 100% and questioned why the big jump if the village is not losing money on issuing permits. Short questioned if it is a benefit to the village to have a better fee schedule – will it entice people to build here? After discussion a **MOTION** was made by Dohrwardt, seconded by Palm, to revisit this issue at the first board meeting in June 2009. Palm noted that the village will probably not want to change the fees at that time, but can continue to monitor the situation. Motion carried.

Resolution No. 2008-K Adopting 2009 Budgets

Resolution No. 2008-K adopting the 2009 general fund, capital, debt service, TID, Fire Department, water and sewer utility budgets for the Village of Fredonia was adopted on a **MOTION** by Dohrwardt, seconded by Bertram, and carried.

Architectural Control Board – November 5, 2008 Meeting

Minutes from the Architectural Control Board were reviewed. Palm reported that they approved a shed for 240 Manor Drive. The Architectural Control Board also met last night and approved a new home for Master Craft.

Ozaukee County Hazard Mitigation Plan

Per the recommendation of the Plan Commission, the Ozaukee County Hazard Mitigation Plan was approved on a **MOTION** by Dohrwardt, seconded by Palm, and carried. With Waskiewicz abstaining.

Resolution No. 2008-L Authorizing Participation in Legal Action Seeking Declaration of Rights, Status Regarding Mid-Moraine Municipal Court

A **MOTION** was made by Waskiewicz, seconded by Dohrwardt, to adopt Resolution No. 2008-L authorizing filing and/or participation in legal action seeking a declaration of rights, status, and other legal relations regarding the Mid-Moraine Court. Motion carried.

Review of Section 7-1-20 Limitation on Number of Dogs and Other Pets

Short stated that village ordinance limits the number of dogs per family to three or less and the total number of animals per household to five or less. When responding to a

barking dog complaint, it was discovered that four dogs are living at 325 S. Milwaukee Street. Cleveland explained that she had two dogs and then her daughter moved in to help care for her and her daughter also had two dogs. She has tried to find a home for one dog but has been unsuccessful. Kim Bartolotta questioned if this could exempt them from the ordinance as they are two households that became one. Dohrwardt read the ordinance and noted that Cleveland will have a “reasonable” amount of time to find a home for one dog. Cleveland noted that she hears other dogs barking. Waskiewicz stated that the village marshal responded to a complaint about barking dogs and while there identified an ordinance violation in the number of dogs in the household. The village board needs to decide what is best for all village residents. Buchholtz noted that there are now two families residing at that address. Palm agreed that this is a unique situation with some gray areas. Bertram noted that the board has to represent all village residents, dog lovers and those citizens that do not own dogs or even like dogs. After further discussion, no action was taken. It was noted that the village marshal will handle the situation at his discretion.

Personnel Committee – December 4, 2008 / Job Descriptions

Currently no job description exists for the part time positions that support the fire department. Job descriptions for a morning support staff / privacy officer and afternoon support staff were reviewed. Dohrwardt stated that these positions would report to the fire chief, work for the fire department as a village employee, and be paid from the general fund as a line item in the Fire Department budget. Responding to ambulance runs is not part of the job. The incumbents in these positions will be allowed to punch out and volunteer to respond to ambulance calls. The duties listed in the job description are not the responsibility of any volunteer position. This should allow the personnel in these jobs to qualify for LOSA contributions if they volunteer for ambulance runs. The question that should have been posed to the village attorney is “Do these job descriptions separate the paid and volunteer duties?” The current attorney opinion stated that “generally” you cannot volunteer to do the job you get paid to do. However, Dohrwardt felt that “generally” means there are exceptions. The Personnel Committee is recommending that these job descriptions be adopted and then posted as new jobs. Dohrwardt stated that these job descriptions would separate the volunteer activity from the paid activity. This would allow fire fighters and ambulance personnel to fill the job without losing their LOSA contribution. Dohrwardt noted that FLSA has three tests to determine a volunteer.

- Is the service performed without the promise or expectation of compensation? A nominal fee can be paid.
- Are the services offered freely?
- Is the volunteer not otherwise employed to perform the same service?

Dohrwardt reiterated that the job description specifies the job duties and responding to ambulance calls is not one of the duties. If the employee volunteers to respond to ambulance calls, the employee will be required to “punch out” (be off the time clock). Waskiewicz asked if any consideration had been given to combining these positions with a DPW position. Waskiewicz stated that there is a need for an additional half time person in Public Works. He also noted that sixty hours of coverage is needed but only 38 hours is being provided. Kunstmann explained that Life Quest does one aspect of billing, but run sheets need to be reviewed and submitted to Life Quest, questions from insurance companies need to be answered, and supplies need to be ordered and maintained. Dohrwardt noted that the number of hours worked per week will be determined by the work load and will be monitored by the Fire Chief. Waskiewicz again suggested that these positions be combined with a Public Works position. Kunstmann noted that this has been discussed for almost four years and has not been resolved. He felt it was imperative to create the job descriptions at this time. (Schommer left on an ambulance call.) Kunstmann noted it is difficult to secure daytime coverage. Bertram questioned when this was discussed in the past as she has been on Personnel for two years and has not heard of the need for an additional Public Works position. Short stated that the issue came back up when a resignation occurred in one of the part time positions. At that time the Director of Public Works justified the need for additional personnel to accomplish tasks. Neumann stated that this was based on additional households and street miles added to the village. Dohrwardt questioned if the village can afford additional personnel. Neumann replied that is a question for the Finance Committee. Attorney Feind stated that he will discuss this with other attorneys for their opinion, but stated that the village board has the right to make any decision they want regardless of the advice from the

attorney. An attorney will give an opinion based on what has happened in the past and how laws were interpreted. The village board can make a decision because of unique situations. The village attorney will defend any decision made by the board. Dohrwardt asked if the board was incurring any liability by lack of due diligence or trying to skirt the issues. Attorney Feind noted that generally the village board has legislative immunity and only in civil rights cases are board members sued individually. Feind stated that the village board could still decide to approve the job descriptions regardless of the advice from the village attorney. The final decision is with the village board. After further discussion approval of the job descriptions was postponed until the next meeting awaiting further comments from the village attorney.

Report from Fire Chief

The report from Fire Chief Brian Schommer was reviewed.

Report from Village Marshal

The report from Village Marshal Mike Davel was reviewed.

Report from WWTP Manager

The report from WWTP Manager Gary Buntrock was reviewed.

Report from Director of Public Works

The report from Director of Public Works Allen Neumann was reviewed. Neumann reported that Tom Sheppard started work on Monday.

Report from Clerk-Treasurer

The report from Clerk-Treasurer Jo Ann Wagner was reviewed. Nomination papers are available for circulation. Non-candidacy forms need to be filed by December 29, 2008. The Martin Drive loan will need to be approved at the next meeting and will be presented according to the 2009 budget recommendation.

Virchow Krause and Company – Auditing Services

The engagement letter with Virchow Krause and Company for auditing services for 2008 was approved on a **MOTION** by Waskiewicz, seconded by Dohrwardt, and carried.

Correspondence

Correspondence reviewed includes the Ozaukee County Tourism Fall 2008 newsletter and the Ozaukee County Board agenda for December 3, 2008.

January Village Board Meetings

The January Village Board meetings were changed to the second and fourth Thursday, January 8 and 22, on a **MOTION** by Dohrwardt, seconded by Palm, and carried.

Closed Session

Per Wisconsin Statutes 19.85 (1)(g) the board convened into closed session on a **MOTION** by Dohrwardt, seconded by Palm, and carried unanimously on a roll call vote.

Adjourn Closed Session and Reconvene into Open Session

A **MOTION** was made by Palm, seconded by Buchholtz, to adjourn closed session and reconvene into open session. Motion carried unanimously on a roll call vote.

The meeting adjourned at 9:56 p.m. on a **MOTION** by Dohrwardt, seconded by Buchholtz, and carried.