

FREDONIA VILLAGE BOARD MEETING
October 8, 2009

The regular village board meeting was called to order at 7:00 p.m. by President Short. Present: Joe Short, Jill Bertram, Fritz Buchholtz, and Chuck Lapicola. Also present: Bill Hamm, Bill Haskey, David Nimmer, Darla Jean Krause, Mark Jaeger, Scott Ehaney, Attorney Bob Feind, Allen Neumann, and Jo Ann Wagner. Arriving later: Don Dohrwardt.

Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

Approve Minutes

Minutes of the September 17, 2009 village board meeting were approved as presented on a **MOTION** by Lapicola, seconded by Buchholtz, and carried.

Approve Payment of Bills

The General Fund, Water and Sewer bills were approved for payment on a **MOTION** by Buchholtz, seconded by Lapicola, and carried. (Dohrwardt arrived.)

August Treasurer's Report

The August treasurer's report was approved as presented on a **MOTION** by Bertram, seconded by Lapicola, and carried.

Approve Change of Agent for Class B License

The change of agent for Fredonia Family Restaurant to Gloria Finnegan was approved on a **MOTION** by Lapicola, seconded by Dohrwardt, and carried.

Appoint Village Trustee

Scott Ehaney stated that he has lived in the village for eight years and feels it is important to fill the trustee position. He feels he would be a good member of the board. A **MOTION** was made by Buchholtz, seconded by Lapicola, to appoint Scott Ehaney to fill the vacant village board trustee position. Motion carried.

Swear in Village Trustee

Scott Ehaney was then sworn in as village trustee.

Open Session for Citizen Questions and Comments

David Nimmer from the Niederkorn Library and Darla Jean Krause from the Lakeview Community Library stated that they were available to answer any questions on the resolution supporting 85% reimbursement to the libraries.

Unfinished Business – Compensation for Wastewater Certification

Short stated that when approval was given for compensation for certifications achieved, Sheppard had passed two water certifications and one sewer certification. The board only approved the increase for the two water certifications. A **MOTION** was made by Short, seconded by Lapicola, to award the 15 cents per hour to Sheppard for completion of the wastewater certification effective May 24, 2009. Motion carried.

Report from Fire Chief on Operations of Village

The report from the Fire Chief was reviewed. It was noted that Milton Eisentraut, a long time village resident and past Fire Chief, passed away last week at the age of 99.

Report from Village Marshal on Operations of Village

The report from the Village Marshal was reviewed.

Report from Wastewater Treatment Plant Manager on Operations of Village

The report from the Wastewater Treatment Plant Manager was reviewed.

Report from Director of Public Works on Operations of Village

The report from the Director of Public Works was reviewed. Neumann reported that the water and sewer laterals have been extended to the new Public Works building. The poles will start to be set on Monday. The sewer projects continue. Seven of the supports on the Stoney Creek pavilion have been re-enforced. Wester Electric has been contacted to repair the outlets damaged by vandals.

EXTEND TEMPORARY HELP: Neumann stated that the temporary summer help hours have been exhausted. With the three major projects going on, branch collection and leaf collection, he requested additional hours for temporary help. Neumann stated that there is money in the budget that was designated for wages that has not been spent. Lapicola requested a list of needs and where the personnel will be used. After discussion a **MOTION** was made by Lapicola, seconded by Buchholtz, to approve two weeks of additional temporary help for Public Works with review at the next meeting. Motion carried.

Report from Clerk-Treasurer on Operations of Village

The report from the Clerk-Treasurer was reviewed.

Resolution No. 2009-R Supporting Reimbursement of County Libraries at 85% Level

Resolution No. 2009-R supporting the reimbursement of county libraries at 85% level was approved on a **MOTION** by Dohrwardt, seconded by Lapicola, and carried.

Dissolution of Forest Glen Homeowners Association

Atty. Feind stated that one of the purposes of a Homeowners Association is to enforce the Declaration of Covenants, Conditions and Restrictions of the subdivision. The Declaration of Covenants is recorded with the Register of Deeds Office and everyone

who purchases a lot receives a copy. Everyone who owns a lot in the subdivision also has an interest in the common areas. Specific to this subdivision are private streets with the association responsible for repair, maintenance and replacement. Recent subdivisions in the village have storm water detention ponds with the association responsible for maintenance. The Forest Glen Subdivision has paved 30' streets instead of 36' streets and a 50' road right of way instead of a 60' road right of way. Except for being narrower, it is believed that the streets are built to village standards. The narrower streets allow houses to be closer together which is balanced with green space in the common area. Two apartment complexes in the village also have private streets. It is important that fire trucks are able to navigate the streets. The Forest Glen Subdivision started as a condo association. When the condos did not sell, it was changed to a subdivision with private roads. The village now plows the roads and picks up the garbage. Lopicola noted that the residents in Forest Glen are paying taxes like every other property owner. Feind agreed they are paying the same property taxes, just like commercial properties that don't receive garbage pickup from the village and property owners without kids in school that still pay the school taxes. Many people pay taxes but do not receive all the services. Feind stated that he would recommend against allowing the homeowners association to dissolve, as the village would then be responsible for enforcing the covenants. It takes a super majority vote of the village board to dissolve the homeowners association. The village would not want to accept something that is substandard or set a precedent that a homeowners association does not need to maintain a common area. Per the Forest Glen Declaration of Covenants Article 13 "This Declaration shall be in effect for a period of 25 years and automatically renewed for successive periods of 10 years each, unless terminated at the end of the original or any extended term". Lopicola stated that each case needs to be considered individually on its merits. Dohrwardt asked if something less than complete dissolution of the homeowners association could be accomplished. He asked if the village can require the private streets to be repaired. Feind stated that in the case of the detention ponds, the village can enforce, but there is nothing in the Forest Glen Declaration of Covenants that allows the village to require repairs. Dohrwardt commented that since the village plows the streets, perhaps the village should maintain the streets. All the other elements of the Homeowner's Association could remain. If the village would accept dedication of the streets, perhaps the village should be compensated for depreciation of the streets. Lopicola stated that the village has already accepted the streets by forcing the Homeowners Association to accept traffic from private parties using the streets and by having a public park on the private street. Feind commented that these private streets are the most public looking streets in the village. He stated that when the county takes over a state highway, they take it over after it has just been repaved. This is the only subdivision in the village with private streets. The village owns the water and sewer systems in the subdivision. Discussion followed on responsibility for street repairs when water and sewer repairs are made. Lopicola stated that currently vehicles park on one side of the street; school busses use the streets, as do fire department vehicles. As a public street, parking could still be restricted on one side. Short asked if this would create a problem with non-conforming lots. Feind stated it could create a problem with the next subdivision. The village will receive requests for greater density. Dohrwardt stated that this shouldn't set a precedent, as the village board did the best they could in each situation. Feind suggested that the village add something to their

ordinances regarding density that becomes non-conforming because of acceptance of roadway. Discussion followed on accepting road maintenance without accepting ownership of the streets. Lapicola asked that further discussion be postponed until representatives from the Homeowners Association are at the meeting. State law requires any acquisition of land or road easements by the village be discussed by the Plan Commission. A petition would need to be submitted to the Plan Commission asking the village to take over the road. Items to be discussed include if the road would be brought up to standards, if the association would pay for depreciation, or any other item that may be in the Comprehensive Plan including density requirements. The roads provide access to a village park. The village engineer could review and recommend if additional parking area would be required, if parking should be restricted on one side of the road, or any other items pertaining to village ordinance. The Plan Commission would negotiate for payment of any funds. The Plan Commission would then recommend to the village board. Feind reiterated that the village should not dissolve the Homeowners Association. Short stated that he will draft a letter to the Forest Glen Homeowners Association suggesting they petition the Plan Commission to accept the streets in the Forest Glen Subdivision as public streets. Discussion followed on what would be most advantageous to the village and its taxpayers.

Architectural Control Board – September 2, 2009 Meeting

Dohrwardt reported on the September 2, 2009 Architectural Control Board meeting. A window replacement was approved at 242 Crestview Drive, and an addition was approved at 305 S. Milwaukee Street. However, since Dohrwardt recused himself from voting on the addition at 305 S. Milwaukee Street, and four votes are needed, this will need to be voted on again. The Architectural Control Board is changing its policy for approval of bay and bow windows allowing the building inspector to approve without Architectural Control Board approval. They will also be reviewing building permit fees.

Public Works Committee – September 17, 2009 Meeting

Hamm stated that the masonry has been eliminated from the corners of the village shop building and the walk door has been moved to the exterior wall. The Architectural Control Board has approved these changes. With the rain this week, the setting of the poles may not start on Monday. The building should be finished by the second week in December.

CHANGES TO PUBLIC WORKS BUILDING: The changes as discussed to the Public Works building were approved on a **MOTION** by Dohrwardt, seconded by Lapicola, and carried.

Celebrate Fredonia Committee – September 24, 2009 Meeting

This report was postponed until the next meeting.

Finance Committee – September 22, 2009 and October 7, 2009 Meetings

The minutes from the meetings were reviewed. Lapicola stated that the committee has reviewed all the budget proposals and want to hold the levy to a zero increase. The 2010 budget will use \$30,000 of surplus from 2009. The public hearing on the budget will be

scheduled for the first meeting in November. The budget reflects the start of planning for reconstruction of Fredonia Avenue. This project needs to be coordinated with the county. Some decreases were made to the Sewer Utility budget. The proposed Sewer Utility deficit is due to capital expenditures.

Fredonia Government Center Commission

Short reported that the commission reviewed a proposed 2010 budget. Storm water runoff was also discussed. The town has approved the storm water project. Design work has not been completed. The project probably could not be completed before the asphalt plants close for the season. Discussion followed on adding the FGC storm water project to the Fredonia Avenue storm water project. Lapicola stated that the project should be deferred so we can coordinate a plan for the whole area. Short stated that the engineering will be started but the storm sewer would be installed next year.

Approve Agreement for Use of Fire Department Meeting Room for Meal Site

The agreement with Ozaukee County for use of the Fire Department meeting room for a meal site every Tuesday from 10:00 a.m. until 1:30 p.m. was approved on a **MOTION** by Lapicola, seconded by Bertram, and carried.

Contract for Assessment Services

Approval of a contract for assessment services for 2010 was postponed until the next meeting.

Policy for Distribution and Return of Village Keys

Short stated that some keys have not been returned. The FGC policy says if keys are not returned, locks will be changed at keyholder's expense. Buchholtz stated that issuance and return of village keys is not regulated by a policy. A record should be made and keys should be returned within 7 days if no longer holding office. Keys should be issued by and returned to the same person. A written policy will be presented at the next meeting.

Correspondence

Correspondence received and reviewed include:

- Wisconsin DNR letter on Remediation and Redevelopment program
- From Department of Health Services – H1N1 influenza Frequently Asked Questions
- Letter regarding Sheboygan County Comprehensive Plan
- Public Service Commission letter regarding change to 715 and 920 area code.

Items for Future Consideration by Village Board

Dohrwardt noted that the Ozaukee County Administrative Committee has finished the county budget. They are looking at a flat budget (zero increase), including the library tax as the Town of Cedarburg is now considered a non-librariated community.

The meeting adjourned at 9:02 p.m. on a **MOTION** by Buchholtz, seconded by Ehaney, and carried.