

**FREDONIA VILLAGE BOARD MEETING**  
**Fredonia Government Center**  
**242 Fredonia Avenue, Fredonia, WI**  
**July 7, 2011**

The regular village board meeting was called to order at 7:00 p.m. by President Lopicola. Present: Chuck Lopicola, Jill Bertram, Don Dohrwardt, Scott Ehaney, and Mark Edbauer, Sr. Also present: Joe Short, Mark and Kim Bartolotta, Mark Jaeger, Brian Schommer, Allen Neumann, and Jo Ann Wagner. Arriving later: Pat Geraghty and Phil and Nancy Lundman.

### **Pledge of Allegiance**

All stood and recited the Pledge of Allegiance.

### **Approve Minutes**

Minutes of the June 16, 2011 village board meeting were approved as presented on a **MOTION** by Edbauer, seconded by Ehaney, and carried. (Geraghty arrived)

### **Approve Payment of Bills**

With the addition of a payment to Ozaukee County Highway Department in the amount of \$762.52, the General Fund, Water, and Sewer bills were approved for payment on a **MOTION** by Bertram, seconded by Ehaney, and carried with Dohrwardt abstaining.

### **Operator Licenses**

Operator licenses for Jessica Lornsen and Heather Hames were approved on a **MOTION** by Dohrwardt, seconded by Edbauer, and carried.

### **Open Session for Citizen Questions and Comments**

None (Phil and Nancy Lundman arrived)

### **Review Request by Phil Lundman**

A request has been received from Phil Lundman to:

- Allow the vegetation on the vacant Stoney Creek lots to be harvested as hay
- Plant alfalfa at some point using no-till planting method
- Lower tax rate on vacant lots in Stoney Creek Subdivision

Lopicola stated that after receiving and reviewing the request, and noting that agricultural use is not listed as a permitted use in Rs-2 zoning, he created a fact sheet, and considered this to be a similar use interpretation request. Another option for the property owner would be to request a natural lawn as allowed in Section 8-1-6 of the Village of Fredonia Code of Ordinances. This would not be agricultural use but would not need to be mowed except along the street and lot lines. The owner of a property would need to show similar use. Lundman stated he could make it into a sand pit and hazardous waste dump as that is what it was before he improved it. He has spent lots of money to clean up the site and now he is being penalized. Part of the property was agricultural before, part of it was a dump site. It is a nice asset for the village now and in the future. Before the area was cleaned up and developed there were no taxes to speak of; but now because he has improved the area and made it nicer, better, he needs a conditional use permit to use it for agricultural.

Before the improvements neighbors had used it for gardening. Because of the economy he cannot get economic value from the land. It would not be good for the village to just get rid of the lots as this would reduce the value of all lots in the village. He could write it off on his taxes but prefers not to. Short offered five comments:

- if ag use is allowed in a residential area and taxes are reduced, will this be offset by decreased spending by the village so the tax rate is not affected;
- this was a business venture by a private individual – the village did not create this so why is it being brought to the board now;
- if a tax reduction is allowed, will this also be given to other people who bought houses that the value has decreased;
- will all residential lots be allowed to turn a portion of the lot to agricultural use;
- land in the industrial park was sold as industrial land and is being used for farming alfalfa – what is being done about this.

Dohrwardt noted ag use is not allowed in any district except A-2 unless it has been continuously farmed – then it is a legal nonconforming use. Therefore, the vacant areas in the industrial park have been “grandfathered” in. If the land is no longer farmed, it cannot

be farmed again. Lapicola noted that village ordinances are not anti-business; they are pro residential in residential zoning districts and pro business in commercial districts. He stated the village pays for street lights in subdivisions, street repairs, water main breaks, sewer repairs, trash pick up, fire protection, and police protection. Schools, including busing, are provided by the school district. The village incurs costs that are paid with taxes received. Lundman agreed the village has costs involved. He has talked with the assessor about lowering the assessed value of the lots but the assessor said he can't lower the value until the lots sell, but no lots are selling. Lapicola noted that if all vacant lots in the village were changed to ag use value, tax collections would decrease by about \$60,000. This would result in a tax increase of about 2%. The village has not increased taxes for three years because of the economy. Lapicola reiterated that ag use is only allowed in the A-1 district. Lundman noted that the lots could not be farmed when excavating the area for the subdivision. He has contacted an appraiser but was told there are not enough sales in the area of vacant land to generate a real appraisal. The appraiser could only guess as to the actual value. Lapicola recommended that he discuss this again with the assessor at the next Open Book and / or Board of Review. He stated that the village wants to work with him and could do some mowing of the area three times a year with village equipment to help maintain the lots. Lundman has been maintaining the whole area like lawn. The village would do the cutting for \$1,500. Lapicola noted that most communities do not allow agricultural use in residential zoning unless it has been continuous farm use. He suggested the Economic Development Committee meet to find out why lots are not selling. The committee could brainstorm to try to make the subdivisions in Fredonia more competitive. Lundman noted that one developer would only offer \$10,000 per lot. Lapicola noted that there is no size limitation on farm use value; however it has to be an allowable use in the zoning district. Another concern with ag use is safety. Kids play in the grass, and heavy farm equipment would be operating in the area. Kim Bartolotta stated she finds this a very serious matter. She believes effort is missing in selling the lots. If some of the lots were sold, it would reduce the tax burden on the developer. She wants fairness for everyone. She said alfalfa is beautiful, but not in her neighborhood. She bought into the subdivision, loved every idea of it, and now feels they are giving up on a dream. A developer takes a loss because of a business decision, but everyone took a loss in the stock market and economy. The timing was bad but effort was never put into selling the lots. Lundman noted that when he added lots in the village, he added to the tax base, allowing tax rates to remain low. Without economic development taxes will increase. Investors can't always operate at a loss. He has chosen not to go into bankruptcy. Lapicola stated that he has read the letter Lundman sent on the history of the property. He acknowledged that Lundman has done a great amount of work and a great amount of good for the village. He stated that the village does appreciate him but can't allow Ag use in residential areas unless the ordinances were changed. He questioned if board members wanted to change the ordinances. Dohrwardt suggested that perhaps something could be added that if property were so many feet from improved lots, ag use could be allowed. It was noted that areas currently farmed are either zoned A-1 or have had continuous farm use. Lundman questioned if he could re-plat the area and remove the lots. Dohrwardt stated that he could get rid of the lot lines. Mark Bartolotta asked what happens if the market never comes back. Kim Bartolotta questioned what the covenants do. Lapicola stated that the Home Owners Association enforces any covenants. Property owners would need to research their options very carefully. Dohrwardt commented that all property owners have property rights. Lundman has been a good corporate citizen and has increased the value of property in the village. Dohrwardt stated that Lundman will need to get together with our Director of Public Works to complete an agreement to have the village cut the grass. Lapicola again stated that the village wants to help business. Mark Bartolotta asked what would happen if one lot sold for \$35,000 – would that affect the assessed value of the remaining lots. Kim Bartolotta noted that if a lot was sold and someone would build on the lot it would create more tax revenue. She stated the alternative is to market the lots. Lundman commented that he is not sold on MLS listing as he has had more results with Craig's List. (Phil and Nancy Lundman, Kim and Mark Bartolotta, and Pat Geraghty left)

### **Report from Fire Chief on Operations of Village**

The report from the Fire Chief was reviewed. Schommer reported that the ambulance has been in for service two times. All trucks have passed the DOT inspection. He attended the Chief's Conference and will be looking at various billing services for the ambulance-something that is comparable service but less costly. Lapicola noted that the Fire Department Modernization Committee should meet next month. Tanker replacement was discussed. Schommer noted that it has new tires but the chassis is 25 years old and the

steel tank has been repaired two times for holes. The current chassis is underpowered. He would object to a new tank on a 25 year old chassis. Lapicola noted that it would not address the safety issue. Edbauer asked if a representative from the Fire Ambulance Department would be one of the grand marshals for the Celebrate Fredonia parade. This year's theme is Hometown Heroes.

### **Report from Village Marshal on Operations of Village**

The report from the Village Marshal was reviewed.

### **Report from Wastewater Treatment Plant Manager**

The DNR response to the CMAR was reviewed.

### **Report from Director of Public Works on Operations of Village**

The report from the Director of Public Works was reviewed. Neumann stated that the clean up project at Philips Plastic will start July 18. The pre project meeting will be July 11 at 1:00 p.m. It is estimated the project will last 2 ½ months. They will be excavating a hole 24 feet deep. The new dialer was installed at the WWTP. Edbauer requested an extra power line from the pole at Fireman's Park for Celebrate Fredonia.

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

The report from the Clerk-Treasurer was reviewed. Water bills were mailed today. Automatic pay options for utility bills are now being offered.

### **Parks Committee – June 30, 2011 Meeting**

Buchholtz, chairperson of the Parks Committee is on vacation. The report from the Parks Committee meeting was tabled until the next board meeting on a **MOTION** by Edbauer, seconded by Dohrwardt, and carried.

### **Proposal for Attorney Services**

The draft document requesting proposals for legal services was discussed. No changes were recommended. A **MOTION** was made by Dohrwardt, seconded by Ehaney, to proceed with proposals for legal services. Motion carried.

### **Correspondence**

Correspondence reviewed includes:

- Countywide Library Service Memo – second quarter 2011.
- Letter from Department of Administration on Act 10 implementation.
- Letter from Wisconsin Department of Workforce Development regarding special assessment for interest on outstanding federal loans – Wisconsin's Unemployment Fund.

### **Items for Future Consideration by Village Board**

Dohrwardt asked if the board wants to return authority to the Plan Commission to hold public hearings. Current policy does not allow the Plan Commission to call a public hearing although village ordinance says a public hearing "shall" be held. Dohrwardt felt it would be developer friendly and more expedient if the Plan Commission can hold some of the public hearings on changes to the zoning code. The Plan Commission recommends changes to the village board.

The meeting adjourned at 8:23 p.m. on a **MOTION** by Ehaney, seconded by Edbauer, and carried.