

**VILLAGE OF FREDONIA**  
**VILLAGE BOARD MEETING**  
**August 24, 2006**

The regular village board meeting was called to order at 7:00 p.m. by President Pro Tem Waskiewicz. Present: Larry Waskiewicz, Chris Kunstmann, Bruce Laabs, and Don Dohrwardt. Also present: Allen Neumann, Gary Buntrock, Nancy Washburn, and Mark Jaeger. Arriving later: Bill Hamm.

### **Approve Minutes**

A **MOTION** was made by Laabs, seconded by Dohrwardt, to approve the minutes of the August 3, 2006 village board meeting. Kunstmann noted that there is a typo on page one under Old Business, line two: He does not **feel** that any soil is eroding. On page two under Report from Parks Committee regarding the volleyball nets will be changed to read: It was suggested that the volleyball nets be **permanently placed** at Stoney Creek Park. **MOTION** carried to approve the minutes with these changes.

### **Payment of Bills**

With two additional bills ( WE Energies bill for \$56.71 from General Fund and WE Energies bill for \$26.89 from Sewer Utility), the General Fund, Water and Sewer bills were approved for payment on a **MOTION** by Kunstmann, seconded by Dohrwardt, and carried.

### **Treasurer and Utility Reports**

The Treasurer and Utility Reports were approved as presented on a **MOTION** by Dohrwardt, seconded by Kunstmann and carried.

### **Special Gathering Beer License**

Kunstmann recused himself from this agenda item. The special gathering beer license application from the Fredonia Firefighters and EMS Association for Celebrate Fredonia on September 9, 2006 was reviewed. A **MOTION** was made by Dohrwardt and seconded by Laabs to approve the special gathering beer license for September 9<sup>th</sup> for the Fredonia Firefighters and EMS Association. Laabs questioned if this application was acceptable with the Celebrate Fredonia Committee. Waskiewicz stated that the Association will sell beer in a tent on the north end of the property and adults will be allowed to have fermented beverages within the park limits. He also notified John Schommer, President of the Association, that they are not covered under the Village of Fredonia's insurance policy. **MOTION** carried.

### **Old Business/275 Industrial Drive**

Kunstmann questioned the Settlement Agreement which states that the residential tenancy in the property located at 275 Industrial Drive shall be allowed to continue for a period of ten (10) years beginning July 1, 2006 and ending July 1, 2016, subject to Village ordinances, State Statutes, and Administrative Codes or Federal law. Kunstmann would have preferred to see adding "or until the property is sold" to limit this residential use to the current owner only. Dohrwardt thought that this Settlement Agreement would be disclosed to a potential buyer if the property is ever sold. Waskiewicz stated that it appears that this Settlement Agreement is already signed and settled with Lakeside Investments. Hamm will need to verify this when he arrives.

### **Unfinished Business/Driveway at 124 Wisconsin Street**

Laabs questioned if the village has sought a legal opinion on any further action needed by the village board regarding the additional driveway at 124 Wisconsin Street. Neumann stated that he does not know if Attorney Feind has been contacted on this matter. Neumann reported that the ground has been filled in along the property line to prevent erosion. This will be placed on the September 7<sup>th</sup> agenda for follow-up.

Because Hamm was not yet in attendance, the Report from Plan Commission was postponed until his arrival.

### **Resolution 2006-I Extending Impact Fee Spending Time Limits**

Waskiewicz stated that Impact Fees were discussed at the Mid-Moraine meeting that he attended on Wednesday evening and explained that we will need to have a specific resolution for each impact fee in order for it to be binding. He also noted that every impact fee obtained will need to be kept per address with interest fees figured and documented per impact fee, per address. He suggested that the Impact Fee Resolutions be redrafted for the September 7<sup>th</sup> meeting.

### **Ordinance No. 2006-11 Increasing Fee for Cutting Lawn**

A **MOTION** was made by Dohrwardt to approve Ordinance No. 2006-11 amending Section 8-1-7 (g) (2) changing the fee that the village charges for cutting grass and weeds from residential properties from \$45.00 to \$60.00 per hour, seconded by Kunstmann, and carried.

### **Report From Architectural Control Board – August 16, 2006 Meeting**

The minutes from the August 16, 2006 Architectural Control Board were reviewed. An addition at 219 Lawrence Street was approved and preliminary discussion was held on requiring 50% brick on the street sides of the proposed storage buildings at 145 Meadowlark Road submitted by Peter Didier.

### **Report From Celebrate Fredonia Meeting – August 21, 2006**

Waskiewicz stated that they have secured donations from many of the area businesses and that they should reach the budgeted amount for donations. No motorized vehicles will be allowed in Fireman's Park after 11:00 a.m. unless escorted by the Village Marshal. There are numerous non-profit organizations participating with booths at the park. The committee is requesting help from the village board members and also the village Department of Public Works employees to help with the set-up and take-down of tents, etc. at the park. The public works employees would be paid overtime for the hours worked. A **MOTION** was made by Dohrwardt to approve overtime pay to employees for their hours worked in the set-up of equipment at Fireman's Park for Celebrate Fredonia on September 9<sup>th</sup>, and seconded by Waskiewicz. Neumann stated that he has talked with Jerry Shoemaker and was told that the committee wants up to four employees available to work three different shifts. The shifts will be Friday afternoon from 1:00 – 5:00 p.m., Saturday morning from 9:00 – 11:00 a.m., and Saturday evening from 9:00 – 11:30 p.m. Neumann has a sign-up sheet posted for the employees. Dohrwardt amended his **MOTION** to include approving overtime pay for employees to also help with the take-down of equipment, seconded by Waskiewicz. Kunstmann questioned who will be responsible for supplying and maintaining the bathrooms throughout the event. Waskiewicz stated that ~~he~~ Kunstmann will be in charge of seeing that this is taken care of. **MOTION** carried with Kunstmann opposed. (Hamm arrived during this discussion).

### **Unfinished Business/275 Industrial Drive**

The Village Board returned to previous discussion on the Settlement Agreement for 275 Industrial Drive. The consensus of the village board during closed session at their March 23, 2006 meeting was to allow a maximum of ten years of residential use. Hamm stated that he signed this agreement on August 9, 2006 and a copy was sent to our attorney. The village board is recommending, if possible, to include this Settlement Agreement as a Deed Restriction on the property.

### **Unfinished Business/124 Wisconsin Street**

Hamm does not know if the village attorney has been contacted for his opinion on the village's actions regarding the additional driveway at 124 Wisconsin Street. This will be added to the September 7<sup>th</sup> agenda for an update on this issue.

### **Unfinished Business/135 Wisconsin Street**

Waskiewicz questioned if clean-up of the property at 135 Wisconsin Street is progressing. Neumann reported that the tire dumpster has been removed and two dumpster loads have been hauled away. Laabs noticed that there was a full dumpster at Bayer's property which will be picked up next Tuesday.

### **Report From Plan Commission Meeting – August 7, 2006**

The Plan Commission held a public hearing on a conditional use applied for by Peter Didier for storage condo buildings at 145 Meadowlark Road. Neighbors are concerned about the number of buildings and the landscaping around the property. No action was taken on the conditional use permit until density calculations are completed.

Andrew Struck and Ben McKay presented updates to the Plan Commission on the Issues and Opportunities Element of the Ozaukee County Multi-Jurisdictional Comprehensive Plan. The village needs to review the Goals and Objectives from their 2020 Comprehensive Plan to see if they want anything changed or added. They also need to estimate population projections thru the year 2035.

### **Final Plat – Phase 1 Village Green Subdivision**

A **MOTION** was made by Waskiewicz, seconded by Hamm to approve the Final Plat consisting of 46 lots for Phase One of the Village Green Subdivision as presented. Laabs questioned if the outlots are considered parks or greenspace. Nancy Washburn replied that there are four lots that are stormwater

management areas or wetland preservation areas that will be owned and maintained by the Homeowners Association. Laabs then questioned if the North Milwaukee Street extension is part of this phase. Washburn replied that North Milwaukee Street was dedicated to the village. The road will be extended to the north lot line of lot #21 for Phase 1. There will be an access road from Willow Valley Road that will be used by the construction equipment. **MOTION** carried.

### **Developer's Agreement/Village Green Phase 1**

Hamm stated that sidewalks required on the north and west sides of the street and are shown on the Engineering Plans which is an exhibit of the Developers Agreement. The warning siren is also included in the Developers Agreement in Exhibit Z. Kunstmann questioned the Cost-Sharing Agreement. He is concerned that by having to use the impact fees within seven years as required by the state we will lose control of how fast or slow these new subdivisions will be built. Neumann stated that the village will identify projects at each phase which are included in the Cost-Share Agreement and the developers will pay for these projects up front. He figures that every five years the village will need to make sure that they look at the impact fees and spend the money within the seven year window. Neumann is satisfied with Phase One Developers Agreement as presented Waskiewicz questioned if Regency Hills would consider Cost-Share Agreements in regards to police, fire, and parks in lieu of impact fees for future phases. Washburn replied that they would be agreeable with that as they have done so in other situations. Kunstmann inquired about the detention pond in the development in regards to water rescue/safety issues. This pond has been reviewed and approved by Neumann and the Village Engineer. It is 700 feet long by 105 feet wide with a 10-foot safety ledge. There is approximately a six-foot permanent pool of water in the pond. Laabs feels that the village should be involved in how these ponds are constructed and maintained with plantings, etc. to control erosion and for safety issues. He does not feel it should be a burden to the Homeowner's Association. Hamm agrees that there is always a concern for safety, but feels that as long as the plans have been reviewed and approved by the engineers and the DNR the village should not get involved in dictating what should be planted on private property. Waskiewicz referred to Village Code 14-1-58(c) Storm Water Drainage Facilities which states that drainage facilities shall be constructed in accordance with the plans and standard specifications approved by the Village Engineer. **MOTION** was made by Waskiewicz to approve the Developer's Agreement for Village Green Phase One, Seconded by Dohrwardt, and carried.

### **Declaration of Covenants, Restrictions and Easements for Village Green**

Kunstmann informed the board of several typo errors in the Declaration of Covenants. Washburn made note of them and will submit a revised copy for review by the Village Board at their September 7<sup>th</sup> meeting. A **MOTION** to table the Declaration of Covenants, Restrictions and Easements for Village Green until the next village board meeting was made by Hamm, seconded by Waskiewicz, and carried.

### **Village Green Homeowner's Association By-Laws**

A **MOTION** was made by Hamm to table the Homeowner's Association By-Laws until the next village board meeting, seconded by Dohrwardt, and carried.

### **Ordinance No. 2006-10/Rummage Sales/Household Occupations/Residential Businesses**

Waskiewicz questioned if conditional use permits are renewed on a yearly basis. Hamm replied that the Plan Commission can include a yearly review as part of the condition. After discussion, the definition of a rummage sale was changed to allow a sale conducted **for a maximum of** 7 days or less per year for the sale of personal household possessions. A **MOTION** was made by Kunstmann to approve Ordinance No. 2006-10 creating section 13-1-73(h) allowing residential business as a conditional use in a residential area and amending section 13-1-280(b)(87) revising the definition of household occupation and creating section 13-1-280(b)(140a) creating a definition of a rummage sale with the change as discussed to add **for a maximum of** seven (7) days, seconded by Waskiewicz. Waskiewicz questioned if anyone would be grandfathered in. This ordinance becomes effective and in force one day after it is approved, with no grandfather clause. This ordinance change will be added to the October and April newsletters. **MOTION** carried with Dohrwardt opposed.

### **WWTP Report**

Report on operations at the Wastewater Treatment Plant was reviewed. Also, Buntrock is requesting to attend the annual Wastewater Operator's Association conference on October 4<sup>th</sup> through 6<sup>th</sup> at the Kalahari Resort at Wisconsin Dells. Conference registration is \$55.00 along with \$25.00 for the awards banquet. The cost of the hotel is \$99 per night. He questioned if Andy Helm could also attend the conference. A **MOTION** was made by Waskiewicz approving Buntrock and Helm to attend the

Wastewater Operator's Association conference including the cost of registration, awards dinner, lodging costs, and mileage, seconded by Kunstmann, and carried.

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

The report from the Director of Public Works was reviewed. Other items:

- Received DNR approval for the water and sewer extension for Village Green Phase One
- Asphalt patching was done today

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

The report from the Clerk-Treasurer was reviewed. Waskiewicz questioned if we received a password to access the safety presentations for Worker's Comp. We will need to check with the Jo Ann Wagner on this.

### **Correspondence**

- Mid-Moraine Municipal Association Legislative Committee meeting
- Preliminary estimate of 2006 population
- UW – Extension programs budget and personnel workshops

### **Any Other Business**

**Pond in Oakwood Forest** – Hamm stated that Rick Lanser is considering planting the field in this area and he is concerned about this pond overflowing and draining into the fields.

**Town of Fredonia Building Committee** – Hamm attended the Town Building Committee this evening and advised them that the village is still interested in considering building a joint village/town hall. Hamm is going to work with Bob Lederer on sketching a building design that would incorporate the town and village's needs.

Hamm suggested that the village consider adding a non-binding referendum on the November ballot questioning the voters if they would be in favor of the village combining with the town on a village/town hall building project.

Waskiewicz questioned if the village board would be interested in contacting the school district to see if we can utilize their automated phone system to contact village residents regarding basic governmental information and community events. We would need to supply the school a data base of village resident's phone numbers. Laabs added that it should only include those residents who would want to be on the notification list.

A **MOTION** was made by Dohrwardt to adjourn at 9:35 p.m., seconded by Hamm, and carried.