

**VILLAGE OF FREDONIA**  
**VILLAGE BOARD MEETING**  
**October 5, 2006**

The regular village board meeting was called to order at 7:10 p.m. by President Hamm. Present: Bill Hamm, Don Dohrwardt, Bruce Laabs, Joe Short and Chris Kunstmann. Also present: Allen Neumann, Mark Jaeger, Nancy Washburn, Peter Didier, Mary Bohn, and Doris Dommer.

**Approve Minutes**

A **MOTION** was made by Short and seconded by Dohrwardt to approve the minutes of the September 21, 2006 village board meeting. Kunstmann would like an addition to the minutes on page three, Additional Structures on 145 Meadowlark Road, adding "All of the buildings will be the same height," the **MOTION** to approve the minutes of the September 21, 2006 village board meeting was amended by Short to add this sentence to the minutes, seconded by Dohrwardt, and carried. It was noted that the minutes of the Special Village Board meeting held on September 19, 2006 still need to be approved.

**Payment of Bills**

A **MOTION** was made by Short to approve payment of the general fund, water and sewer bills as presented, seconded by Laabs, and carried. The outstanding bill for food items for the Police Department in the amount of \$101.00 due to the Lion's Club will be sent to the Celebrate Fredonia Committee on a **MOTION** by Laabs, seconded by Short, and carried.

**Operators License**

Operator's licenses for Franz Buchholtz and Debra Asleson were approved on a **MOTION** by Kunstmann, seconded by Short, and carried.

**Fireman's Park/Fredonia Lions Club**

A **MOTION** was made by Kunstmann to approve the use of Fireman's Park by the Fredonia Lion's Club for their Chicken Fry on October 22, 2006, seconded by Laabs, and carried with Short abstaining.

**Open Session for Citizen Questions and Comments**

Mary Bohn at 1659 Meadowlark Road which adjoins the property that Peter Didier owns at 145 Meadowlark Road is upset that Didier has trimmed trees without having his property surveyed and staked. Didier admitted that he was at the property and trimmed some trees in order to find the property line. Bohn also said that someone plowed the wetlands under on Didier's property. Didier replied that Mark Schlenvogt, a farmer who is renting this property had been plowing on the property and may not have noticed the flags outlining the wetlands because of the overgrown weeds in that area. If someone is farming this land they have the right to plow in the wetland area as long as the wetlands have not been delineated and no building has begun. Hamm stated that the property line issue is between the property owners. Once Didier has the property surveyed and staked and begins building, the village will then inspect to be sure he conforms to the building setback requirements.

**Unfinished Business/124 Wisconsin Street**

Neumann reported that the concrete driveway approach at 124 Wisconsin Street was poured on September 29<sup>th</sup> and the banks have been seeded and mulched. The base for the driveway is in, the blue slag is not. There is on-going conversation between Bertram and Sarah regarding the six-foot setback requirement for the driveway and about building a retaining wall along the lot line. At the August 3, 2006 Village Board meeting the board gave Robert Bertram until October 1, 2006 to bring the additional driveway at his property to the standards agreed upon at the July 1, 2004 village board meeting. A **MOTION** was made by Short to send a letter to Bob Sarah and Robert Bertram to attend the October 19, 2006 village board meeting to discuss and resolve this issue, seconded by Kunstmann, and carried.

**Unfinished Business/Resolution No. 2006-J/Improvements in Emerald Hills Subdivision**

A **MOTION** was made by Short to remove Resolution No. 2006-J from the table, seconded by Dohrwardt, and carried. The Inspection Report dated September 21, 2006 of the Emerald Hills Subdivision submitted by Al Neumann was reviewed. This report is a detailed description of all of the deficiencies of the curb and gutter, sidewalks, and roadways in the subdivision. Laabs added two additional areas of concern, the gutter/catch basin at the corner of Hickory and Emerald Hills Drive and the gutter/catch basin in the center of the driveway at 347 Emerald Hills Drive that do not drain properly because the curbs have settled lower than

the storm sewers. Nancy Washburn stated that Regency Hills Development will be willing to make a reasonable financial donation towards making these noted repairs. Laabs does not want the existing residents of Fredonia to pay for the repairs for this newer subdivision in which the concrete work is aging prematurely. Neumann's report recommends that a \$20,000 Letter of Credit remain in place for an additional 5 years to insure that any problems arising from continued trench settlement can be remedied with proceeds from said Letter of Credit. This amount includes money for all of the noted concerns. To date, the village has done a couple of trench repairs and has billed Mastercraft for those repairs. Neumann will do a final inspection of the subdivision to verify that all of the deficiencies have been identified. Washburn suggested that they add an amendment to the Village Green Developer's Agreement addressing these issues and costs, specifying that \$20,000 will be for the improvements needed in the Emerald Hills Subdivision. She will have their attorney write this amendment for review by the village board at the October 19<sup>th</sup> meeting. A **MOTION** was made by Dohrwardt to table Resolution No. 2006-J accepting dedication of improvements in the Emerald Hills Subdivision until the October 19<sup>th</sup> village board meeting, seconded by Short, and carried.

#### **Unfinished Business/Resolution No. 2006-O/Referendum for November Election**

A **MOTION** was made by Short to adopt Resolution No. 2006-O approving the referendum question for the November election as discussed at the September 21, 2006 village board meeting, seconded by Dohrwardt, and carried.

#### **Unfinished Business/Report from Public Works Committee/September 12, 2006 Meeting**

The Public Works Committee discussed the following items at their September 12<sup>th</sup> meeting:

- Roof, concrete and plumbing repairs needed at the Fire Department.
- The purchase of a new squad car for the Police Department.
- 2007 budget needs and projects.
- Use of Equipment Policy – no changes recommended.
- Long-range plans will be discussed after it is decided if a new village hall will be built.
- Creating an ordinance on prohibiting engine braking in the village.
- The condition of the village hall, garage, and storage room in the basement.
- Creating an ordinance to establish a truck route for the Industrial Park.

Laabs stated that Marshal Davel is requesting to purchase a black and white squad car because of a visibility issue. Laabs suggested that the Public Safety Committee meet to discuss the color of the squad car. Hamm stated that the village board can decide the color of the squad. Kunstmann suggested that Davel be present at the village board meeting when the bids for the squad are discussed so he can explain the reasons for his recommendation that the squad be black and white in color.

#### **Unfinished Business/Masonry Requirements for M-1 and M-2 Zoning**

The letter from Bob Feind dated October 2, 2006 regarding 50% minimum of masonry be required on street sides of buildings in the M-1 and M-2 zoning districts was reviewed. Feind's letter does not have a definite answer to the question if this code also pertains to sides of a building facing private streets. Hamm stated that the definition of a public area is anything that is for community use by more than one person. Because this association will be owned by at least 52 different owners the roads could be considered public streets and therefore both street sides of the buildings would need the 50% minimum masonry requirement. A letter from Ruckert-Mielke dated January 30, 2006 states that they recommend that the front of each unit facing the private drives be considered the front for purposes of conforming to the minimum front brick requirements. Didier feels that the 50% masonry should only be required on the buildings facing Meadowlark because the interior roads will be private and the area will be gated so that only the owners of the buildings have access to this development. Neumann referred to the letter dated October 2<sup>nd</sup> from Ruckert-Mielke which suggests a change to this ordinance that the 50% decorative masonry be calculated as the cumulative total of all decorative masonry utilized on all facades of the building. Neumann agrees that the ordinance is vague and needs to be changed because it doesn't distinguish between streets and private drives. He also suggested addressing this issue in a Developer's Agreement that would allow a lower belt-line of masonry around the entire buildings in lieu of the 50% required on the street sides of the buildings. Board members agreed that the spirit of this ordinance was intended to make the buildings in the industrial area look aesthetically decent. However, Laabs feels that the ordinance is adequate as is and if the builder/developer wants something different they should apply for a variance. Dohrwardt stated that the Architectural Control Board had recommended a revision to this ordinance which would have given them flexibility in the architectural design of manufacturing and corporate business buildings. However, this revision was not approved by

the village board. Short questioned if the interior driveways will be built to village standards. Didier replied that there is 50 feet of pavement between the buildings and was considering a 24 foot wide drive. Short stated that the ordinance requires private driveways to be 30 feet wide. Didier stated that creating a 30-foot wide drive would not be a problem. Didier would like to have eight slabs poured by late November or early December and erect the buildings early next spring. A **MOTION** was made by Laabs to have the Architectural Control Board redefine that a minimum of 50% of the gross area of street sides of buildings must be decorative masonry to determine what is defined as the street side of the building, seconded by Hamm. Laabs amended his **MOTION** to send the zoning code regarding building materials and color in the M-1 and M-2 zoning districts, 13-1-48(f)(2) and 13-1-49(f)(2) to the Plan Commission for their review and recommendation for change, seconded by Hamm, and carried. Didier stated that he will have his attorney review the ordinance regarding required masonry. Hamm and Neumann will submit suggested changes for this ordinance to the next Plan Commission meeting.

#### **Resolution No. 2006-P/St. Rose Avenue Sidewalk Assessments**

A **MOTION** was made by Dohrwardt and seconded by Short to approve Resolution No. 2006-P approving the sidewalk assessments on St. Rose Avenue. Kunstmann questioned why there were two different prices charged for the sidewalks. Neumann explained that the quality of the sidewalks were determined before they were removed. If the sidewalk had less than 50% of useful life left they were charged \$4.00 per square foot. If there was more than 50% of useful life left of the sidewalk they were charged \$2.00 per square foot with the remainder of the cost of the sidewalk included in the cost of the project. The **MOTION** carried unanimously.

#### **Tax Incremental District**

Hamm stated that the reason this was listed on the agenda is that Scott Bence of J.B.J. Development has contacted Neumann and is suggesting a possible T.I.F. district for part of the Cobblestone Village Development. The village board will need to decide if they are interested and/or permitted to create a T.I.F. district in this development. Hamm recommended that we invite a representative from Robert W. Baird Co. to the October 19<sup>th</sup> village board meeting to discuss Tax Incremental Districts. The Plan Commission members should also be notified of this meeting.

#### **Health Insurance Renewal**

A **MOTION** was made to table a decision on the Health Insurance renewal until the October 19, 2006 village board meeting, seconded by Dohrwardt, and carried. The Personnel Committee will be reviewing this at their October 10<sup>th</sup> meeting. Kunstmann noted that they need to determine what the difference is between the Blue Access Option and the Blue Preferred Plus Option. It appears that the plans are identical. However, there is approximately \$1,200 difference in the estimated premiums.

#### **Report from Plan Commission**

Hamm reported that the Plan Commission is recommending a zoning change request submitted by Robert Weyker for a vacant parcel of land behind (west) of 123 Wisconsin Street and fronting onto Wenzel Avenue from A-1 Agricultural to RS-2 Single Family Residential. A **MOTION** was made by Hamm to permit the Village Board to hold a Public Hearing on November 2, 2006 for the rezoning of land west of 123 Wisconsin Street owned by Robert Weyker, seconded by Laabs, and carried.

#### **Report from Finance Committee**

Short stated that the Finance Committee met on October 3<sup>rd</sup> to review the budget. They recessed until Thursday, October 12, 2006 at 6:30 p.m.

#### **Report from Director of Public Works**

The report from the Director of Public Works was reviewed. Additional comments/discussion included:

- Neumann stated that he has received letters back from the D.N.R. and Army Corps. of Engineers regarding the Martin Drive wetland impacts. Neumann will be submitting a response letter and supplemental data requesting a meeting with them.
- Hamm requested that Neumann purchase new "No Parking" signs for the north side of Fredonia Avenue as the existing ones are quite faded.
- Hamm suggested that Neumann look into purchasing "Yield to Pedestrian" signs to be located (bolted) in the crosswalk area of the roadways. This may be an issue for snowplowing in the winter months and also with the fire trucks and other large trucks

turning at South Milwaukee Street onto Fredonia Avenue. Neumann stated that he will obtain additional information on these signs.

- Hamm noted that there is a deficiency in our Emergency Weather siren coverage. We might want to consider including something in Didier's Developers Agreement requiring a siren on his property.
- Neumann will check on the status of an addition for Badger Paperboard. When they purchased the adjoining property there was a clause included that they would build within 18 months.
- Neumann will check which businesses in the Industrial Park should have completed paving their driveways per village ordinance (within twelve months).

### **Report from Clerk-Treasurer**

The report from the Clerk-Treasurer was reviewed. Kunstmann stated that he would like the Fire Department Impact Fees to be refunded to the homeowners as soon as possible.

### **T.I.D. No. 2 Audit**

No action taken on the T.I.D. No. 2 Audit.

### **Correspondence**

- A. Mid-Moraine Municipal Association
- B. Letter from Wisconsin Pipeline Association
- C. League of Wisconsin Municipalities letter
- D. Letter from WE Energies on electrical service options
- E. Letter from State on Emerald Ash Borer
- F. NIMS Training – ICS-300
- G. NIMS Training – ICS-402
- H. Ozaukee County Board agenda – October 4, 2006
- I. Newburg Plan Commission meeting – October 5, 2006

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

Hamm requested that Neumann find out if the village will be held accountable in any way for the wetlands that have been tilled under on Didier's property at 145 Meadowlark Road.

The meeting adjourned at 9:55 p.m. on a **MOTION** by Kunstmann, seconded by Laabs, and carried.