

FREDONIA VILLAGE BOARD MEETING

June 4, 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, Don Dohrwardt, Mark Edbauer, Sr., Chuck Lapicola, and John Rudolph. Also present: Wendi Unger, Larry Palm, Gary Buntrock, Mark Jaeger, Allen Neumann, and Jo Ann Wagner. Arriving later: Sue Siesco.

Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

Approve Minutes

Minutes of the May 21, 2009 village board meeting were approved as presented on a **MOTION** by Lapicola, seconded by Rudolph, and carried.

Payment of Bills

With the three additional bills - Cal Comparin \$275.00, James Imaging \$81.95, and S.F. Analytical \$241.00, the General Fund, Water and Sewer bills were approved for payment on a **MOTION** by Dohrwardt, seconded by Lapicola, and carried.

Operator Licenses

Operator licenses for Jose Comacho, Samantha Dieringer, Jean Franzen, Catherine Hamm, Richard Hoffman, Patricia Roggenbuck, Ashley Sommer, and Mary Sommer were approved on a **MOTION** by Dohrwardt, seconded by Bertram, and carried.

Liquor Licenses

A Class A Beer and Liquor license was approved for Rogels, Inc., d/b/a Village Market, David Roggenbuck, agent, and Class B Beer and Liquor licenses were approved for Frederic Buchholtz, d/a/b Mr. Fritz's, Jose Camacho, d/b/a Fredonia Family Restaurant, Debra Ruchalski, agent, and Connie Wach, d/b/a/ Wach this Way, on a **MOTION** by Dohrwardt, seconded by Edbauer, and carried with Buchholtz abstaining.

Open Session for Citizen Questions and Comments

Rudolph commented that Gary Uselding has asked to use the tables from the Fire Department meeting room for the car show he sponsors with proceeds benefiting the Fredonia Fire Department and Waubeka Fire Department. Short stated that this will be discussed under "Other Items".

Presentation by Virchow Krause on 2008 Village of Fredonia Financial Report

Wendi Unger noted that Virchow Krause is now Baker Tilly. The opinion given by their firm is "unqualified" which is the highest level that can be attained. The financial report is prepared in accordance with generally accepted accounting principles. The village prepares the Management's Discussion and Analysis section of the report. General fund revenue was slightly above budget, with expenses slightly below budget giving a favorable year end variance. The village currently has a healthy fund balance. Water and sewer operating expenses include depreciation costs. Water had an increase of net assets of \$36,679 and sewer had a decrease of \$93,668. A report on Internal Control has also been submitted identifying any material weakness. One is the auditors prepare the financial statement and some journal entries. Another is segregation of duties. Two new comments this year are adding receipt numbers on sewer utility receipts and implementing an identity theft prevention program before August 1st. Any board member having any concern should contact her at any time.

Resignations of Celebrate Fredonia Committee Members

Resignations from four members (Larry Palm, Sue Siesco, Pat Comparin, and Jennifer Courtright) of the Celebrate Fredonia Committee have been received. A **MOTION** was made by Dohrwardt, seconded by Rudolph, to accept the resignations. Dohrwardt stated that he has not had time to contact the members but perhaps it is best to put closure to

this. These members in their resignation letters referenced dissatisfaction with direction from the village board. The committee was created as an ad hoc committee that reported to the village board. The committee had a narrow scope of duties to run the Celebrate Fredonia event. Policy decisions were to be made by the village board. Buchholtz stated that the parade route was listed on the village board agenda before it was discussed. He apologized if he offended anyone. Short disagreed and felt the purpose of the ad hoc committee was to put on Celebrate Fredonia. Failure of board members to come to their meetings showed lack of interest. Bertram stated board members cannot attend all committee meetings and that is why the committees report to the village board. Dohrwardt reiterated that the village board sets policy, and questioned if perhaps the committee was not receiving all the information from the liaison with the village board. Siesco stated that she does not know what the board controls and what the committee controls. Buchholtz asked if the committee objects to the parade going down Fredonia Avenue. Palm stated that they hadn't discussed it yet. Buchholtz addressed Palm and Siesco and stated that he does not want them to leave and asked if they didn't care about the parade route why they are quitting. He stated Bill Hamm once said you need to consider "is this good for the village". Short stated that he has spoken with Pat Comparin and Jennifer Courtright and they do not want to continue on the committee. Lopicola stated that the committee has worked hard but he once heard Joe Short state "the village board is responsible for everything that every committee does in this village". He is sorry that there are hurt feelings. Edbauer commented that in the history of the village, the majority of years the parades go down Main Street. Rudolph asked if anything the board says will change how they feel. Palm replied "no". Bertram asked if there is something else. Siesco stated the board is not letting the committee do their job and has wasted their time. Dohrwardt stated he thought it was a good idea to approve the parade route before the committee spent time on it. After more discussion a vote was taken with Bertram, Dohrwardt, Edbauer, Lopicola, and Rudolph voting aye and Buchholtz and Short voting nay. The board noted appreciation for the work the committee has done. Palm questioned if someone will be contacting the other groups involved.

Future of Celebrate Fredonia

Lopicola stated we still have a committee, we need more members. Edbauer volunteered to be on the committee as he will not let the event end. He may be able to get others to volunteer to help. Palm noted that each of the four groups involved have contributed money to purchase food and supplies. Siesco stated that tomorrow is the last day of school and they want to know if the event will be held. Dohrwardt stated that the event will be held and will be discussed at the next board meeting. Short stated it will be added to the agenda and board members should bring names of people willing to help. Rudolph questioned if guidelines needs to be set. Dohrwardt stated that we need to put sufficient information into the minutes.

Guidelines for Obtaining Legal Advice

Short stated that he has compared the proposed guidelines for obtaining legal advice with our existing guidelines and sees nothing wrong with the existing guidelines. Lopicola stated he wants the board members more involved in deciding when to call the attorney. If it is not an emergency, the village board should know in advance when legal advice is needed. Dohrwardt suggested that we add two items from the proposed guidelines to our existing guidelines. They are reporting all calls at the next village board meeting and if an employee or elected official uses the attorney for personal purposes, they shall be presented with the bill for those services. Lopicola suggested that the section allowing committee chairs or designees to contact the attorney on project issues be removed. Dohrwardt stated that it would need to be reported to the village board at the next meeting and if not reasonable the person would be liable to pay for it. Lopicola noted that the guidelines could be re-visited if they are not working. A **MOTION** was made by Dohrwardt to change the Guidelines for Obtaining Legal Advice to the following:

- On project issues, if the project was included in the budget, the committee chair or designee can contact the village attorney.

- In emergency situations that require a response within 48 hours or less, the village president, department head or committee chairperson may contact the village attorney.
- To obtain legal advice or opinion in the normal course of business, the Clerk-Treasurer can contact the village attorney at the request of a board member, department head, or village president. The exception to this is the village marshal can talk to the village attorney regarding citations issued by the police department.
- All calls shall be reported at the next Village Board meeting.
- All attorney calls must be found to be proper and prudent at all times. If it is found that any village employee or elected official is using the attorney for personal purposes, they shall be presented with the bill for those services.

Lapicola seconded the motion. It was clarified that if a call to the attorney is of such nature, it may need to be reported in closed session. Motion carried.

Fire Chief – Report on Operations of Village

The report from the Fire Chief was reviewed.

Village Marshal – Report on Operations of Village

The report from the Village Marshal was reviewed.

Wastewater Treatment Plant Manager – Report on Operations of Village

CMAR: The 2008 Compliance Maintenance Annual Report was reviewed. Buntrock stated that the report highlights the details at the Wastewater Treatment Plant during the past year. The plant continues to receive clear water during wet weather. Dohrwardt commented that the age of the plant is no longer included in the report. He also questioned the higher BOD loadings in June. Neumann explained that it may be the result of the formula, with the strength being the same but the higher flow results in higher numbers. Buntrock stated that the plant continues to accept hauled in waste. Dohrwardt asked if each load is sampled. Buntrock stated that periodically samples are taken especially when the plant has operational problems. The haulers have access to the plant after hours.

RESOLUTION NO. 2009-K REVIEWING AND APPROVING CMAR: A **MOTION** was made by Dohrwardt, seconded by Lapicola, to adopt Resolution No. 2009-K reviewing and approving the 2008 Compliance Maintenance Annual Report (CMAR). Motion carried unanimously.

ENGINEERING PROPOSAL FOR RAW SEWAGE PUMPS PROJECT: The proposal from McMahon Engineers was reviewed. Buntrock noted that the plant is currently renewing the WWTP permit through the Department of Natural Resources and anything the village wants to change needs to be stamped by an engineer. A **MOTION** was made by Dohrwardt, seconded by Lapicola, to approve the proposal from McMahon Engineers for the bidding and construction phase services related to the raw sewage pump upgrade at a cost of \$7,500. Motion carried.

Director of Public Works – Report on Operations of Village

The report from the Director of Public Works was reviewed. Neumann reported that that clay liner for the detention pond was placed today. The survey crew verified the grades this morning. Rudolph questioned if a fence will be added around the detention pond. Neumann responded that it is not in the plans at this time. He suggested a straight line fence along the garage area. Short noted that there was not a fence there when the village purchased the property and a pond was located on the end of the property. Dohrwardt commented that a fence may also keep debris from the detention pond.

Clerk-Treasurer – Report on Operations of Village

The report from the Clerk-Treasurer was reviewed.

Fredonia Government Center Commission – May 26 and May 28, 2009 Meetings

Minutes from the May 26 and May 28, 2009 Fredonia Government Center Commission meeting were presented. Short reported that officers were elected and Lance Leider is president, Joe Short is vice-president, and Cliff Baumann is secretary.

The Farmers Market was discussed at the May 26th meeting. Concerns expressed included liability insurance, rental fees, compliance to village ordinance, damage to property, use of building, and possible electric use. It was noted that any vendor that violates the rules will not be invited back. The FGCC approved the use of the parking lot for the Farmers Market for one season with the option to revoke it along with insurance required and compliance with village ordinance.

DONATION PLAQUE: The donation plaque at the FGC was approved by the committee and recommended to both boards for approval. The FGCC stated that everyone on the list meets the criteria of either donating time or money towards the FGC. Short noted that he has removed his name from the plaque as it was questioned if his donation was timely. His original check was submitted timely to Waskiewicz but had to be re-issued because the check was written on an account he had closed. He is not requesting the donation back but will put it towards Larry Waskiewicz and Larry Palm names on the plaque. Buchholtz noted that he asked at the meeting if anyone on the list was re-imbursed financially and Leider stated that they were not. The village board concurred with the findings of the FGCC for the names on the plaque as submitted on the list, attached and a part of these minutes, with the changes as noted (Short removing his name and Larry Palm and Larry Waskiewicz names being added) on a **MOTION** by Dohrwardt, seconded by Rudolph, and carried.

LIABILITY COVERAGE – FARMERS MARKET: A **MOTION** was made by Dohrwardt, seconded by Edbauer, to have the village accept the liability for the Farmers Market. Motion carried.

The FGCC awarded the bid for lawn maintenance to the Village of Fredonia. Cleaning service will remain the same and no bids will be solicited. The mat in front of the west door will be eliminated except during the winter. Short will discuss the storm water issue with Neumann and also contact the county regarding the road. The FGCC agreed that pictures could be mounted in the hallways, but not in the entry way or the meeting rooms. Pictures should be mounted in flat frames and be consistent. In the future the commission will discuss creating separate rules for use of the FGC parking lot, re-discuss the building use policy, elect a secretary (as Baumann has now decided not to serve on the FGCC), and discuss if any deposit or fee is required for the Farmer's Market. The FGCC will meet again on June 15th. Palm noted that the timer on the lights in the FGCC parking lot and on the building needs to be adjusted as they are on before dusk.

Farmer's Market – Similar Use Interpretation

The FGC is zoned I-1 Institutional. Permitted uses do not specifically mention Farmer's Market. Dohrwardt stated that the Farmer's Market is a village sponsored event and will provide a service to many residents with the vendors making a small amount of money. Lopicola agreed. A **MOTION** was made by Dohrwardt, seconded by Lopicola, that the village board is in agreement that the Farmer's Market as a village sponsored event for area residents is a similar use to permitted uses in the I-1 district and is allowable in the Fredonia Government Center parking lot. Motion carried.

Public Works Committee – May, 28 and June 3, 2009 Meeting

Minutes from the June 3, 2009 Public Works Committee meeting were reviewed.

SOUTH MILWAUKEE STREET PAVING PROJECT: Edbauer reported that only one bid was received for the South Milwaukee Street re-paving project. The committee recommended that the base bid be awarded to Payne and Dolan in the amount of \$41,964.80 with the addition of the intersections of Fredonia Avenue and N. Wilson

Street for about 300 feet and Fredonia Avenue and N. Milwaukee Street for about 100 feet which will improve these sections of roadway and still be under budget. A **MOTION** was made by Lapicola, seconded by Edbauer, to accept the base bid from Payne and Dolan with the modifications discussed (300 feet on North Wilson Street and 100 feet on North Milwaukee Street) if close to the bid unit price. Short recused himself from the board for this item and questioned why the alternate bid was not accepted. Neumann explained that the alternate bid was for a section of Clover Lane where numerous alligator sections received spot seal last year. Some of the stone is loose. As an add-on project the unit prices were high. The other sections of roadway proposed to be done are in worse shape. Short questioned if Clover Lane was a substandard street. Neumann noted that a wedge grind and overlay would not remedy a substandard street. A typical warranty on street installation is one year. Neumann explained that he believes that there was an error in staking when the road was constructed resulting in a substandard base. Lapicola stated that last year that section of road received seal coat and the only real problem is chips going into a yard when the road is snowplowed. The road is not cracked or allowing water to enter. Funds were spent last year on Clover Lane repairs and this year's money should be used elsewhere where it is needed more. Motion carried to approve the base contract with Payne and Dolan (with Short still recused). Short then returned to the board.

ADDITION TO VILLAGE SHOP: After reviewing the WE Energies proposal for electric and gas work and viewing the various options for an attached addition to the village shop or a separate building, the committee recommends that the shop addition be separated from the old shop building and that bids be solicited as soon as possible. A **MOTION** was made by Lapicola, seconded by Dohrwardt, to instruct the Director of Public Works to solicit bids for a separate shop building 60' x 80' with the front of the building kept in line with the current shop building and the separation of the buildings a uniform amount to readily allow for future expansion. Site preparation was discussed with approximately 300 to 400 yards of fill being needed. The extra fill from the South Milwaukee Street detention pond project will be moved on Monday. The contractor could strip the top soil at the shop site for about \$2,000 and add and compact the fill for about \$4,000. Motion carried on soliciting bids for the shop building. A **MOTION** was made by Lapicola, seconded by Dohrwardt, to contract with Wondra Construction to strip the top soil and import and compact the fill for the shop site at an approximate cost of \$6,000. Motion carried.

Public Safety Committee – June 1, 2009 Meeting

Rudolph reported that the committee will meet again on June 29, 2009 to discuss possible residency restrictions for sex offenders. He has received Thiensville's ordinance and has checked and Belgium does not have one. The state regulates sex offenders while they are on probation. Rudolph stated that there are many misconceptions and different levels of offenses. Edbauer cautioned to be careful how the ordinance is crafted as if it prohibits sex offenders from living anywhere, it may become an issue. Rudolph commented that the state needs to be more descriptive in the types of offenses.

Resolution No. 2009-L Authorizing Representative to File Application for Financial Assistance from the State of Wisconsin Environmental Improvement Fund

A **MOTION** was made by Dohrwardt, seconded by Buchholtz, to adopt Resolution No. 2009-L authorizing the Village President to file applications for financial assistance from the State of Wisconsin Environmental Improvement Fund. Motion carried.

Resolution No. 2009-M Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing

A **MOTION** was made by Edbauer, seconded by Lapicola, to adopt Resolution No. 2009-M declaring the official intent of the Village of Fredonia to reimburse expenditures from proceeds of borrowing. Motion carried.

July Board Meetings

Because of the Fourth of July holiday, the July village board meetings were moved to July 9 and July 23 on a **MOTION** by Buchholtz, seconded by Edbauer, and carried.

Board of Review

The Board of Review is scheduled for June 9, 2009 from 6:00 p.m. until 8:00 p.m.

Correspondence

Correspondence received and reviewed include:

- Ozaukee County Tourism spring 2009 newsletter
- Countywide library service memo for second quarter 2009
- Letter from FEMA Map Service Center regarding mapping products.

Items for Future Consideration by Village Board

Gary Uselding from Fredonia Automotive has asked to borrow tables from the Fredonia Fire Department for the June 13 Car Show which he uses as a fund raiser for both the Fredonia and Waubeka Fire Departments. Uselding will pick the tables up on Friday and return them on Monday morning. A **MOTION** was made by Lapicola, seconded by Edbauer, to allow use of the tables from the Fire Department meeting room by Uselding. Motion carried.

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