

**VILLAGE OF FREDONIA
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 1, 2022**

President Dohrwardt called the Village Board meeting to order at 7:00 p.m. the Pledge of Allegiance followed.

Board members present: Don Dohrwardt, Dan Gehrke, Bill McLarty, John Long, Rick Abegglen, Josh Haas, and Bruce Paape.

Staff/Officials present: Village Clerk Melissa Depies, Director of Public Works Roger Strohm, and Village Marshal Mike Davel.

Others present: Attorney Johnathan Woodward, Residents Kristin Olson, Richard Olson, Valeri Olson, Kathy Wenzel, Kevin and Lori Ruff, Anne Redmond, Judy Ruppel, Laura Vittorio, Alyssa Brockman, Courtney Evenson, Jill Bertram, Mary Schommer, Eric Masengarb, Kellee Sheik, Jennifer Clark, Charlene Landing, Sandi Tretow.

Consent Agenda

President Dohrwardt noted that there was one additional bill for approval.

Trustee Long stated that on page 3 paragraph 1 of the minutes the word not should be included: "...where outside storage is not allowed."

Motion by Trustee Haas, seconded by Trustee McLarty, to approve the August 18, 2022 Village Board meeting minutes as corrected, and the General Fund, Water and Sewer bills as presented including the additional list provided. Motion carried unanimously.

Due to those in attendance item 6H was moved to the top of the agenda for discussion.

Discussion and possible action regarding 114 North Wilson and 233 North Wilson Street zoning and property usage / Open Session for Citizen Questions and Comments

Attorney Johnathon Woodward stated that the home located at 233 North Wilson Street is a state licensed Adult Family Home (AFH). An AFH is defined as a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. This type of facility is treated like any other residential home; they are regulated by the state, and can be located in any residential area

There is no active license for the property owner of 114 North Wilson Street.

Director Strohm stated that he was at this home during the week due to a water issue. He noted that there is definitely someone living in this home that required assistance.

Trustee Haas questioned if the property owners should have come to the Village for approvals prior to moving in. Mr. Woodward responded that there is nothing in the law

that requires them to come before the Village for approval. These homes are like any other residential homes, they are not considered a business, and must be treated the same as any other residential home.

Mr. Woodward stated that typically residents at these facilities have less needs and are not required to have 24 hour care.

There was a lot of discussion as to why this was not considered a business when people are paying for care and paying to stay there. Residents were concerned about the type of people moving into these homes and questioned if background checks were done on the residents as well as the caregivers living in these homes. Safety of the children seemed to be the primary concern.

Trustee Long questioned if a sex offender could potentially move into one of these homes. Marshal Davel responded that sex offenders are required to register their address with the state. They would not be placed there due to the proximity of the church and school.

Mr. Woodward stated that background checks can be done on the caregivers/workers however they are typically not done on the residents. Again these homes/people are treated like any other resident. He noted DHS Administrative Code 88 is what regulates Assisted Living Facilities and the requirements are pretty low. The funding for these types of homes generally comes from the County and/or State. The people living there typically do not pay themselves.

Marshal Davel stated that there are about a half dozen of these homes in Port Washington. In his 29 years on the Police force he has been called to one of these homes maybe one time. These are just regular people who just need a place to live.

In the late 1990's the 1977 language that restricted a facility to be a minimum of 2,500 feet away from another facility was challenged. The distance requirement can no longer be enforced due to the Americans with Disabilities Act.

President Dohrwardt questioned who should be contacted if something just does not seem right with activities in these homes. Mr. Woodward stated that Village hands are pretty much tied, any issues should be reported to the state.

Mr. Woodward stated that there is no license for 114 North Wilson. The property is owned by an LLC that is known to purchase distressed properties and lease them out.

Residents reported that there is definitely activity at 114 North Wilson. They reported that there seems to be a shift change every 8 hours and there is a key code entrance.

Trustee Haas stated that the Village cannot do anything right now. The Village will continue to try to find out more information on these facilities.

Mr. Woodward suggested sending letters to State Legislators, the Wisconsin Department of Health Services, and the property owners. Letters can come from the Village as well as any concerned residents.

Report on Operations of Village by Village President

President Dohrwardt had nothing to report.

Report on Operations of Village by Village Marshal

Board members reviewed the report.

Motion to approve purchasing two (2) portable, battery operated, speed monitoring signs:

Marshal Davel requested to purchase two portable, battery-operated signs, with some additional batteries and brackets. He suggested two locations on South Milwaukee; one near Pine Street catching southbound traffic and one near the Fire Department catching northbound traffic. He also recommended a sign to be placed on Fredonia Ave; one near the old Village Hall catching eastbound traffic and one at Regal Drive catching westbound.

The signs and supplies will cost \$6,800. There are sufficient funds in the Police budget to cover this purchase.

Trustee McLarty questioned how long the batteries last and the cost to replace them. Marshal Davel stated that the batteries last approximately 2 to 3 weeks before needing to be recharged and should last several years. They are approximately \$245 to replace.

Motion by Trustee Haas, seconded by Trustee Paape, to approve purchasing two (2) portable, battery operated, speed monitoring signs. Motion carried unanimously.

Marshal Davel reported that a notice for removal has been sent to the property owner regarding the two junked cars. They will have 20 days to remove, after that they will be towed and the owner will receive a citation for \$250 for each vehicle.

Report on Operations of Village by Fire Chief

Fire Chief Weyker was not present. President Dohrwardt stated that at the joint meeting it was agreed that there would be a joint meeting every third Wednesday of the month with two members and one alternate from each municipality.

Report on Operations of Village by Director of Public Works/Wastewater Treatment Plant Operator

Board members reviewed the report highlighting projects and other activities of the Public Works crew as prepared by Director of Public Works Strohm.

Director Strohm stated that North Wilson Street is substantially complete. There is a list of punch list items that remain to be completed and the mailboxes need to be put back.

Report on Operations of Village by Clerk/Treasurer

Board members reviewed the activities report as prepared by Village Clerk/Treasurer Depies.

Clerk Depies stated that she had a meeting today with S&P Global regarding the bond rating, she passed out a “Confidential” letter from S&P Global for board members to review.

Clerk Depies also noted that she received notice from Anthem indicating that our existing insurance plan is no longer available and that the plan most similar to ours will see a 15% increase in premiums.

Report by Ozaukee County District 2 Supervisor

Trustee Haas stated that the County is currently working on the Waubeka Mill/Button Factory. He also stated that Cedar Lake Bluff was purchased. He is against this project as it is funded by tax payer dollars and many more people benefit from the project than just tax payers.

Report of Public Works – D Dohrwardt

President Dohrwardt stated that the committee agreed that there was no water or sewer rate increase needed. One project they would like to bring forward for possible ARPA funding is the culvert replacement project on Milwaukee Street. They also recommended ordering a truck chassis with the truck body to be determined. With the shortage of vehicles they believed it would be best to at least get the chassis ordered now.

Trustee Long noted that at the meeting the committee viewed 3 vehicles all of which need to be replaced.

Items for Discussion and/or Action

Motion to approve temporary placement of shipping containers at 603.05 Fredonia Avenue for a period not longer than 24 months

Trustee Long stated that this was recommended out of Architectural Board. The property is zoned B2 which does not allow outdoor storage. The property owners would like to place a 40 foot storage container at the back of the lot tucked into the trees. The container would be used to store material and equipment while they do building renovations.

Motion by Trustee Haas, to deny temporary placement of shipping containers at 603.05 Fredonia Avenue for a period not longer than 24 months.

Motion by Trustee Haas, to uphold Village Ordinances that do not allow outdoor storage.

Motion by Trustee Gehrke, seconded by Trustee Long, to approve temporary placement of shipping containers at 603.05 Fredonia Avenue for a period not

longer than 24 months. Motion failed 1-6. Gehrke-aye / McLarty, Long, Dohrwardt, Abegglen, Haas, and Paape-nay.

Motion to approve a contract for Maintenance of Assessment Records with Assessment Technologies of Wisconsin LLC for years 2023 through 2025 for an amount not to exceed \$7,600 annually

Motion by Trustee Haas, seconded by Trustee McLarty, to approve a contract for Maintenance of Assessment Records with Assessment Technologies of Wisconsin LLC for years 2023 through 2025 for an amount not to exceed \$7,600 annually. Motion carried unanimously.

Motion to approve Engagement Letter for audit services with Bakertilly for years ending 2022, 2023, and 2024

Motion by Trustee McLarty, seconded by Trustee Haas, to approve Engagement Letter for audit services with Bakertilly for years ending 2022, 2023, and 2024. Motion carried unanimously.

Motion to approve Resolution for Inclusion Under the Wisconsin Retirement System

Trustee Gehrke stated that this resolution allows a one-time offer to current eligible employees to elect to waive WRS participation. All future employees must be enrolled in WRS. The Village will not be paying the cost of providing prior service.

Motion by Trustee Haas, seconded by Trustee Paape, to approve the Resolution for Inclusion Under the Wisconsin Retirement System. Motion carried unanimously.

Motion to approve Designation of Agent with Wisconsin Department of Employee Trust Funds

Trustee Gehrke stated that he believes the most appropriate person to designate as the agent/point of contact should be the Village Clerk, Melissa Depies.

Motion by Trustee Abegglen, seconded by Trustee Haas, to approve Designation of Agent, Melissa Depies, with Wisconsin Department of Employee Trust Funds. Motion carried unanimously.

Motion to approve an Online Access Security Agreement with Wisconsin Department of Employee Trust Funds

Motion by Trustee McLarty, seconded by Trustee Haas, to approve an Online Access Security Agreement with Wisconsin Department of Employee Trust Funds. Motion carried unanimously.

Motion to approve Automated Clearing House (ACH) Direct Withdrawal Authorization with Wisconsin Department of Employee Trust Funds

Motion by Trustee Haas, seconded by Trustee Abegglen, to approve Automated Clearing House (ACH) Direct Withdrawal Authorization with Wisconsin Department of Employee Trust Funds. Motion carried unanimously.

Discussion and possible action regarding 114 North Wilson and 233 North Wilson Street zoning and property usage

Motion by Trustee Haas, seconded by Trustee Long, to authorize Johnathon Woodward to write letters on behalf of the Village to State Legislators and DHS regarding 114 North Wilson and 233 North Wilson Street property usage.

Correspondence

None

Convene to closed session pursuant to Wisconsin Statutes 19.85(1)(e) for real estate and competitive bargaining matters

Motion by Trustee Abegglen, seconded by Trustee Haas, to convene to closed session pursuant to Wisconsin Statutes 19.85(1)(e) for real estate and competitive bargaining matters at 8:38 PM. Motion carried unanimously.

A closed session discussion ensued for approximately 1 hour.

Adjourn closed session and reconvene into open session

Motion by Trustee Haas, seconded by Trustee Abegglen, to adjourn closed session and reconvene into open session at 9:32 PM. Motion carried unanimously.

Action as recommended pursuant to closed session

Motion by Trustee Haas, seconded by Trustee McLarty, to issue counter offers on offers to purchase for Lot "A" and Lot "I" in the industrial park. Lot A: counter to correct language on line 273 and include language that states construction must begin within 1 year of closing and be completed within 1 year of ground breaking. Lot I: include language that states construction must begin within 1 year of closing and be completed within 1 year of ground breaking. Motion carried unanimously.

Items for Future Consideration by the Village Board

None

Adjournment

Motion by Trustee Haas, seconded by Trustee Abegglen, to adjourn the meeting at 9:34 p.m. Motion carried unanimously.

Respectfully Submitted:

Melissa Depies
Village Clerk