

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, October 16, 2018 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, October 16, 2018 in open session at the Town of Sheboygan Town Hall, 1512 No. 40th Street, Sheboygan, Wisconsin 53081, Sheboygan County, Wisconsin.

The meeting was called to order by Town Chairman Dan Hein. The following were also present at the meeting: Supervisors Jim Schwinn, Char Gumm, John Wagner, Alexandra Nugent, DPW William Blashka, Kim Titel and Clerk Cathy Conrad.

Notice of the meeting was given to the public at least 24 hours prior to the meeting by posting in three (3) different places.

Upon motions duly made and seconded, the Town of Sheboygan Town Board unanimously adopted the attached resolutions unless noted otherwise and made a part of these minutes by reference.

There being no further business the meeting was adjourned.

TOWN OF SHEBOYGAN TOWN BOARD

DANIEL W. HEIN, CHAIRMAN

JAMES R. SCHWINN, VICE-CHAIRMAN

CHAR GUMM, SUPERVISOR

JOHN WAGNER, SUPERVISOR

ALEXANDRA NUGENT, SUPERVISOR

MOTIONS DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS WERE ADOPTED UNANIMOUSLY BY THE TOWN OF SHEBOYGAN TOWN BOARD IN OPEN SESSION

- 1) Chairman Hein called the meeting to order and introductions of Board members and Staff were made.
- 2) Pledge of Allegiance-The Chairman led those present in the Pledge of Allegiance.
- 3) Agenda-**Motion Gumm, second Wagner to approve the agenda for October 16, 2018 as presented. Motion carried.**
- 4) Approval of Minutes-**Motion Gumm, second Nugent to approve the minutes of September 18, 2018; September 27, 2018 & October 9, 2018 as presented. Motion carried.**
- 5) No. 50th Street drainage issues-Hein explained that this issue was brought up by Scott Niebert regarding standing water in the back yards. An AECOM surveyor went out and showed elevations and there is one area in a neighboring yard with an area that is about 6" high, not a large concern because the entire area is pretty flat. The Town does not have an easement on these two properties. There are easement areas north and south of this area. Bauer stated that the Town does not have immediate permission to go onto those properties to do any ditching. The existing elevations are very flat. Niebert stated he purchased the property in July and rented the property prior to purchasing. Niebert stated that Strebe did re-grade the ditch area and this made it more of a problem. Niebert stated that he has a safety concern with trash floating down across CTH J. Niebert stated he has had water in his yard for the last week and a half. Niebert asked if 6" of topsoil fill is acceptable. Bauer stated that this is not allowable if this is a drainage way. Niebert says if it is acceptable for Strebe to put in 6" why can't he? Bauer stated that it is not acceptable to fill in a natural drainage way. The elevations vary from 687" and 684.24" and show it is extremely flat. Bauer asked if Niebert spoke to Strebe and asked him if he would be willing to work with him. Niebert stated he has not spoken to Strebe since he planted a tree and brought in topsoil. Niebert stated that he knew Strebe would not cooperate with an easement. He is very upset that the trash that is coming into his yard. Hein suggested that a storm drain may be an answer. This cost would be assumed by the property owner. Niebert asked how many inches of water can be there before the Town takes action. This has been an extremely wet year. Hein asked Bauer if legally we can do anything. Bauer commented on Wisconsin Statutes Section 88.90 regarding the process when the flow of any natural water course is retarded. Bauer stated that we don't know if Strebe knows that he is impeding the flow of water. Niebert will send a professional letter to Strebe with a copy to the Town. Niebert will let the Clerk know if he needs to be on the November agenda.
- 6) Conditional Use Permit for Muth Mirror Systems LLC for 4221 High Tech Lane-Atty. Bauer stated the Plan Commission recommends approval with a 10' x 10' canopy and that they meet with Sanitary District #2 & 3. **Motion Nugent, second Wagner to concur with the Plan Commission and approve the Conditional Use Permit for Muth Mirror Systems LLC for 4221 High Tech Lane including a 10' x 10' canopy. Motion carried.**
- 7) Kevin Struck of UW Extension re: 10-year Comprehensive Plan Update-Struck was present and showed a summary of the last plan. The 10 year update is not anything like this update. This does take quite a bit of time and is something the Plan Commission needs to take care of, or you can set up a separate committee. This update must be done by 12/2019. The current plan would stay in effect and an addendum would be added. A very basic addendum could be added, or an enhance addendum that would look at stormwater management and other issues and he would have time next year. Meeting notices would be Town costs and possibly some printing costs. In order to avoid saddling communities with costs they have also included the Towns of Mosel, Sheboygan Falls and Wilson and that would pay for the cost of updating the plan. The Town can do themselves, use a private contractor or hire a consultant to work with him. A citizen opinion could be done if the Town wanted and it is completely up to the Town and cost would be up to the Town. The cost of the public citizen input and public notices will be up to the Town. Future land use map, plan writing and updating is approximately \$2,400 and plan printing is \$2 each and is a very nominal cost to the Town. It is hoped a WI Coastal Management Grant can be obtained. **Motion Schwinn, second Gumm to approve the resolution 10162018 for the UW Comprehensive Plan. Motion carried.**
The document will be signed and scanned to Struck.

- 8) Conditional Use Permit for LaFave Sales LLC at 3865 Enterprise Drive Suite A-Atty. Bauer stated the Plan Commission recommends approval with replacement of the sign. **Motion Gumm, second Nugent to approve the Conditional Use Permit for LaFave Sales LLC at 3865 Enterprise Drive, Suite A with replacement of the sign, as recommended by the Plan Commission. Motion carried.**
- 9) Ordinance amendment Section 9, Chapter 7, regarding Outdoor Advertising Signs-Atty. Bauer stated the Plan Commission recommends approval. **Motion Schwinn, second Gumm to approve the Ordinance Amendment Section 9, Chapter 7 regarding Outdoor Advertising Signs. Motion carried.**
- 10) Ordinance amendment change re: Stormwater Management-Atty. Bauer state these are very comprehensive updates of the Stormwater Management Ordinance and the Erosion Control Ordinance. Bauer recommended approval of both. **Motion Gumm, second Wagner to approve the Ordinance amendment change regarding Stormwater Management and Erosion Control as presented. Motion carried.**
- 11) Ordinance amendment change re: Erosion Control-This item was addressed in Item #10 above.
- 12) Ordinance Enforcement Officer Report-Officer Cram stated he received complaints about the parking on the street due to Lincoln Erdman School. The school added additional parking last year along with a drive-thru pick-up area. There are still parking issues on side streets as parents are avoiding the longer lines of student pick-up. This is causing safety concerns. A letter will be written to the School District regarding Lincoln Erdman parking issues and safety concerns, and ask them to distribute information to the families of Lincoln Erdman students.
- 13) Resolution re: borrowing-**Motion Schwinn, second Gumm to approve the resolution for the borrowing of \$1.5 million from the Board of Commissioners. Motion carried.**
- 14) Operator's Licenses-**Motion Gumm, second Wagner to approve the operator's licenses for Caitlin M. Trimble, 2319 No 8th St, Sheboygan for Superior Discount Liquor; Elizabeth M Taylor, W60N959 Sheboygan, Cedarburg; Katie L Wilbur, 1519 Eisner C, Sheboygan and Sara K. Bower, 1430 A Lenz Ct, Sheboygan for Pine Hills Country Club & Chad Gould, 1421 N 8th St, Sheboygan for Walmart. Motion Carried.**
Operator's Licenses for Charles E Anthony, 2031 N 13th St, Sheboygan for JB's Silver Dollar and Paige E Wagner, 405 E Mill St. #Apt 1, Plymouth, for Pine Hills Country Club were denied.
- 15) Third quarter 2018 Landfill Gas Migration Monitoring Report-Blashka stated everything is going fine. **Motion Schwinn, second Nugent to approve and file the 3rd quarter 2018 Landfill Gas Monitoring Report as presented. Motion carried.**
- 16) Buboltz, Fintelman & Tuneberg Easements for Ridge Road culvert replacement project-Bauer stated that these are easements for the culvert replacements project. **Motion Gumm second Nugent to approve the Buboltz, Fintelman and Tuneberg Easements and authorize the Chairman and Clerk to sign the appropriate documents. Motion carried.**
- 17) Recommendation on baseball diamond improvement-Gumm presented a quote for diamond improvements. She is still obtaining further information. This will be put on the next agenda.
- 18) Joint Powers Agreement-**Motion Schwinn, second Wagner to approve the Joint Powers Agreement as presented. Motion carried.**
- 19) Green Meadows-Blashka provided information about a culvert that is buried on what is believed to be on Premier's property. A map was shown. A letter will be sent to Premier and Blashka will follow-up with this for the next agenda.
- 20) Limited Term Land Use Agreement for property located at 3828 Superior Avenue-Atty. Bauer stated that Chad Fenske applied for a conditional use permit for the property though it is still in the name of M/M

Saunders. As part of the conditional use permit and because of the zoning he needed to live up to the Town's land use and architectural ordinance. Fenske could not comply. Fenske is trying to use the property from November 15 to December 25 for the sale of Christmas trees and wreaths. Bauer is proposing a limited land use agreement for this year subject to the following conditions: 1) Fenske to paint the exterior of the building a neutral color; 2) No customers to use the interior of the building. Fenske and his assistants can use the inside of the building; 3) A tent or a trailer could be placed on the property and must be removed by the end of the year; 4) No alcohol beverage may be sold or distributed on the property; 5) Any racking, trees, porta potti, etc. must be moved off the property by the end of the year; 6) and no further use of the property until conditional use process has been obtained. Bauer went on to explain there is a \$1000 liquidated penalty for violations. Bauer noted that the trees are set up on racks and Fenske would like the ability to build racks early in November and wreaths and other materials will be put together inside the building and stored outside the building. Bauer stated that there is a question about water service. Blashka stated that the meter and service would have to be requested by the owner as he is who asked for it to be disconnected. Rumors were that the sewer line was filled with cement, however owner must contact the Town to get reconnected and the building must be heated. Saunders will have to request this as they are responsible to pay the bill. Ritger, Fenske's attorney stated that he would like to continue to work with the Town and he and Fenske are working with Saunders and Zillmer to purchase the property in early 2019. Hein stated he would allow comments related to this temporary operation from Nov. 15 to Dec. 31. It was commented this is a test for Fenske to see if he is going to work. Lambrecht asked why this didn't come back to the Plan Commission. Town Board took that recommendation and is working on a temporary conditional use permit. Mitch from Genuine Mechanics asked if the Town is allowing him to sell trees. Bauer stated yes they are. Dahmer commented that he is very concerned and shocked that the Town is allowing something like this to happen as the other business owners were held to a higher standard and Fenske should also be held to that standard. Lambrecht commented that Plan Commission asked for Fenske to move items within 2 weeks and he never complied with this. Mitch stated that it hasn't been granted yet and there are 2,500 trees on their way and it says that he had all kind of restrictions and there have been people working on their cars and how do you think this makes other businesses feel. Pat Campbell stated this is a slap in the face for the other neighboring property owners who had to comply with regulations. Nugent felt that this denial is because other property owners were not allowed to do this type of business without special allowances. Lambert commented that Fenske did not comply with the Plan Commission request to remove the items which he said he would. Schwinn asked about the painting of the building. Schwinn initially rescinded his second. Bauer read the agreement paragraph and the default agreement. Bauer felt with no agreement would be less productive and could be more costly than having a limited term agreement with conditions that are enforceable. **Motion Nugent, second Gumm to deny the selling of Christmas trees on the property. Motion carried.**

- 21) Attendance of Public Works Employees at Highway Safety training December 11, 2018-Blashka stated that he would like to have 4 employees to attend if weather permits. Hein and Wagner agreed that 2 could go one day and 2 go another day and all employees should not be gone. **Motion Wagner, second Nugent to allow 2 employees to attend each day depending on weather. Motion carried.**
- 22) Quote for Fleet 2019 Ford Super Duty F-350 SRW (F3B) LX 4WD Reg Cab 8' box-Replacement of oldest pickup truck that the Town owns. This is a Town vehicle and is at the lowest possible state bid price. **Motion Schwinn, no second. Motion failed for lack of a second.**
- 23) Quote for 2019 Ford Super Duty F-550 DRW (F5H) XL 4WD Reg Cab 169 WB 84 CA (chipper)-Replacement of chipper truck chassis. Current truck is 18 years old. This is a Town vehicle and is the lowest possible state bid price. **Motion Schwinn, second Wagner to approve the purchase of a 2019 Ford Super Duty F-550 DRW (FH) XL 4WD Reg Cab 169 WB 84 CA (chipper truck) as quoted. Motion carried.**
- 24) Quote for 2020 JX Peterbilt Model 348 day cab chassis (plow truck)-Chassis to replace the existing plow truck and is replacing a 2001 Sterling. This is for the chassis only. This is a Town vehicle and is at the lowest possible state bid price. **Motion Schwinn, second Wagner to approve the purchase of a 2020 JX Peterbilt Model 348 day cab chassis (plow truck) as quoted. Motion carried.**

- 25) Approve & Ratify WB11 Offer to Purchase for 4905 Dennwood Drive-Bauer comment that this be ratified. **Motion Schwinn, second Wagner to approve and ratify the WB11 Offer for 4905 Dennwood Drive as presented. Motion carried.**
- 26) Splash pad for Firehouse Park-Gumm stated that she has obtained some prices but no infrastructure, sewer, water and utilities and maintenance will be discussed further at the next meeting.
- 27) 2019 Budget for posting-Minor changes were discussed at the budget workshop. **Motion Schwinn, second Nugent to increase the officer wages of \$1,200 for EMS Service Director position to the 2019 Budget. Ayes-Hein, Schwinn, Wagner, Nugent. Naves-Gumm. Motion carried.**
Motion Schwinn, second Gumm to approve posting the draft budget, as amended. Motion carried.
- 28) Reports-**Motion Gumm, second Wagner to approve the reports as presented. Motion carried.**
- 29) Correspondence-Correspondence was read and filed.
Danner letter-The Board responded it was their intent is to see how the drainage works before raising the road due to costs. Danner feels the project was short sited by not finishing the project.
- Repinski letters-Blashka has been to the Hersey residence several times and he has not heard back. Repinski stated that since the Hersey lot is elevated there has been water issues. The retaining wall is smelly and hideous. Last year the water was washing out their shed and their arborvitae. Mrs. Repinski stated that when they were talking to Hersey before he built and the Hersey property was higher then and their water then flowed through their yard. Blashka stated the lay of the land drains to the west. Hersey did give permission for Blashka to go onto his property to look at the drainage. If some of the yard was swaled on the east side it could divert some of the water. Hein asked if Repinski never had water prior to the Hersey house and Repinski stated that they did have some water but now they have a large amount.
- Repinski asked about the code for lot coverage and Bauer stated that the code addresses percentage of structure, not greenspace. Repinski stated the railroad tie smell is a public nuisance. Nugent commented that railroad ties are legal commerce and several attorneys have agreed to this. If several aggravated residents are affected the Town could take a look at it. Hersey is not complete with his landscape and grading and the Town could ask him to use creoshield to coat the railroad ties.
- Josh Lenz asked the Board for permission to get approval to contract with a tent company and a band. The tent is \$1,500 (40' x 120') and band is \$3,000. **Motion Wagner, second Nugent to allow Lenz to book the band and the tent for the 75th anniversary event and bring numbers back for the next meeting. Motion carried.**
- 30) Adjourn-**Motion Gumm, second Wagner to adjourn the meeting at 7:15 pm. Motion carried.**

Cathy Conrad, Clerk