

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
HELD ON TUESDAY, FEBRUARY 19, 2013 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, February 19, 2013 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, Daniel W. Hein. The following were also present at the meeting: Supervisors Ralph Schneider, James R. Schwinn, John Wagner and Char Gumm, Atty. Michael Bauer, Public Works Director William Blashka and Clerk Cathy Conrad.

Notice of the meeting was given to the public at least 24 hours prior to the meeting by forwarding the complete agenda to the official Town newspaper, *The Sheboygan Press*, and to all news media who have requested the same, as well as posting in four (4) 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

RALPH J. SCHNEIDER, SUPERVISOR

CHAR GUMM, SUPERVISOR

JAMES R. SCHWINN, SUPERVISOR

JOHN WAGNER, SUPERVISOR

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

- 2) Agenda-**Motion Wagner, second Gumm to approve the Town of Sheboygan Town Board agenda for February 19, 2013. Motion carried.**
- 3) Approval of the Minutes-**Motion Gumm, second Schwinn to approve the Town Board minutes of January 15, 2013 as presented. Motion carried.**
- 4) Appointment with David Albright re: Sanitary District #2 Commissioner position-David Albright was present and gave a brief summation of his experience. Supervisor Schwinn reported that both Sanitary Districts unanimously voted to put David Albright on board. **Motion Schwinn, second Wagner to appoint David Albright as a Sanitary District #2 Supervisor. Motion carried.**
- 5) Deputy Welnick of Sheboygan County Sheriff's Department-Constable VanDerPuy stated that Deputy Welnick is off tonight and he will reschedule.
- 6) Sex Offender residency exception for Jeffery Konaha for 3526 No. 34th Street-Jeffery Konaha, 3332 So. 9th Street was present. Atty. Bauer reviewed the ordinance related to prohibited residency in the Town in area districts. It is unlawful to be within 2,000 ft. of specific areas. In order to accommodate appeals the applicant can ask the Board to waive the ordinance. The property Konaha is asking for exemption is within 2,000 ft. of Maywood and immediately adjacent to a bike/pedestrian path which was recently upgraded with the Mueller Road project. Konaha explained that when he was 19 he had a relationship with 16 year old female. The girl's grandmother filed charges. Hein asked why the Board should allow this exemption. Konaha stated he has been out of trouble for 1 year. He was incarcerated for this offense and was in and out 3 times due to violations. Konaha stated that he was incarcerated for exposing his genitals and this was a misdemeanor in 2006/2007. When he was 21 years old he was intrigued by a girl who was 17 and exposed himself and girl's mother reported him. Not following rules and not reporting a relationship to his probation officer were considered violations. He has been engaged to Megan for 1 year. He has resided at 3332 So. 9th Street and his fiancé moved to this residence. He was incarcerated 4 years. He currently works full time at Rockline. He has moved some items into the residence at 3526 No. 34th Street and stayed overnight. His misdemeanor goes until September 2013. He will remain reported as a sex offender until he is in his 40's. If there is another violation he will be locked up and incarcerated. In both situations these were girlfriends. Board members were concerned of past behavior. Konaha's mother spoke that she lives one block from a park in the City and near 2 schools and there have been no problems. Konaha stated he did not have to meet with the City regarding an exception due to his mother living there. Hein stated he would be willing to give him a chance but if there were any incidents of any type he doesn't want him living in the Town. **Motion Schneider, second Wagner to approve the sex offender residency exemption for Jeffery Konaha for 3526 No. 34th Street with the condition that should any criminal activity of any kind be reported the approval would be terminated immediately and this information will be forwarded to his probation officer informing him of this condition. Motion carried.**
- 7) Request of Adam Hansen re: consideration of square footage related to historic barn-Hein provided background information of the concerns that owners of older barns in the Town want to be able to restore or fix them up and square footage is an issue. The Plan Commission asked for consideration of an ordinance that could address this. This ordinance would be amended for properties that have barns. Two residents requested similar type allowances in the last few months and in previous years. Atty. Bauer explained the 1,500 square foot limit and 3,000 square foot limit if over 5 acres and Town Board may approve additional square footage by a conditional use permit related to an accessory use structure. The Town may receive more requests with payment of the application fee and the conditional use permit application. This would be for existing structures only and not for new structures. Many property owners do not stick money into fixing up the barns because they are at the maximum square footage. There is some historic value to these buildings and they become eyesores if not maintained. The ordinance proposed would allow the Town Board to review them individually with each conditional use permit application. The Zoning Board of Appeals follows Town law and State law and a hardship has to be approved. This would not be the case through a conditional use permit and a series of conditions could be set with the granting of the conditional

use permit. The Plan Commission would have to hold a public hearing on each issue. **Motion Gumm, second Schwinn to recommend the ordinance amendment regarding additional square footage due to barns on property be referred to the Plan Commission for a public hearing, as proposed. Motion carried.**

8) Sign permit for Holidays, 5533 Superior Avenue-Atty. Bauer explained that the Plan Commission recommended approval. **Motion Gumm, second Wagner to approve the sign permit for Holidays, 5533 Superior Avenue, as presented. Motion carried.**

9) Sign permit for Innovative Signs for Kellner vacant land off Enterprise Drive-Atty. Bauer explained Plan Commission recommended approval. **Motion Schwinn, second Gumm to approve the sign permit for Innovative Signs for Kellner vacant land off Enterprise Drive as presented, with the condition of a 1 year time limit. Motion carried.**

10) Violation of Sign Ordinance related to Scotty Landscape at 3823 Enterprise Drive & 4006 Highway 42- The sign at 4006 Highway 42 has been removed. Supervisor Schneider will stop in to talk to Scotty about the remaining sign at 3823 Enterprise Drive.

11) Request to reimburse Mapledale Development property owners for the cost of address signs-The Town did not charge property owners for the cost of the sign; the County did as it was their ordinance. **Motion Schwinn, second Schneider to deny the reimbursement request for address signs and refer any comments to Sheboygan County. Motion carried.**

12) Gosse CSM split of land on W2069 Woodland Road & binding land use agreement-Atty. Bauer explained that the request was to the Zoning Board of Appeals and conditions were set. Atty. Bauer prepared the Land Use Agreement with the specified conditions. Schneider asked if the Town was paying for the survey. It was noted that Gosse paid for the survey.

Motion Schwinn, second Gumm to approve the land use agreement regarding the land split on W2069 Woodland Road, as attached. Motion carried.

Motion Schneider, second Gumm to approve the certified survey map for land split on W2069 Woodland Road, as attached. Motion carried.

13) Foam system/WDNR grant-Chief Stahl stated he needs a check for the balance of the foam system to be able to pick up the 6 x 6 and when reimbursed he needs the funds to be put back into his account. The auditors asked for documentation of the grant for reimbursement. Chief Stahl provided the requested documentation today. **Motion Schneider, second Wagner to approve the advance payment of \$7,517.00 from the Fire Department Capital Outlay account and when the grant reimburses the Town the funds will go back into the Fire Department Capital Outlay account. Motion carried.**

14) Request to send 2 Fire Department Staff to ice rescue training at White Bear Training Center in Pembine, WI- Chief Stahl stated the costs are \$280 each for registration and \$133 lodging for two nights for March 8 through the 10th. The invoice presented was not showing actual charges and actual receipts need to be presented. Gumm suggested the Fire Department should be paying for these charges with the actual invoices presented for reimbursement from the fire department. **Motion Schneider, second Wagner to approve sending 2 fire department staff at \$280 each and \$133 for two nights lodging to Pembine for the White Bear Training Center ice rescue training. Motion carried.**

15) Request to send 2 Fire Department staff to the WI State Firefighters Association Convention in Green Bay- Schneider asked who was attending. Chief Stahl replied that Josh Lenz and Andrew Stahl are showing interest in attending. The cost is \$90 each for the convention and \$110 for three nights lodging and lodging may be reduced if other communities are going. This convention is different than the Fire Chief's Convention that is attended later in the year. Stahl stated that money has been budgeted. **Motion Schneider, second Schwinn to authorize sending 2 fire department members to WI State Firefighters Association Convention at a cost of \$90 each and \$110 for three nights lodging. Motion carried.**

- 16) Fireworks Permit for Menards #3247, 4825 Vanguard Drive to allow indoor sales of fireworks-**Motion Schneider, second Schwinn to approve the fireworks permit for indoor sales at the Menards Store, 4825 Vanguard Drive. Motion carried.**
- 17) Constable Report-The constables had no items to report.
- 18) Purchasing Policy-The revised policy was reviewed with revisions to include a paragraph excluding the Sanitary Districts. Hein stated that he had a problem with past theft and feels the same policy should be applicable for all. Hein felt the policy should be re-written to address the Sanitary District issues regarding obtaining estimates and that the Board is open to modifications that work for the Sanitary District. **Motion Schwinn, second Schneider to refer the purchasing policy back to the Sanitary Districts for modifications. Motion carried.**
- 19) Intergovernmental Agreement for Maintenance of Rangeline Road-Supervisor Schwinn will review and talk to Sheboygan Falls. **Motion Gumm, second Wagner to appoint Jim Schwinn as a contact for the Intergovernmental Agreement of the Maintenance of Rangeline Road and meet with the Town of Sheboygan Falls regarding the agreement. Motion carried.** This will be put on the next agenda.
- 20) Purchase of trees for Fireman's Park-Supervisor Gumm requested authorization to spend \$100 as she does not have a Park meeting before the order is due. **Motion Schwinn, second Wagner to authorize the Park Committee to purchase trees for Fireman's park at a cost of \$100. Motion carried.**
- 21) Appointment of Board of Review Member-**Motion Schwinn, second Gumm to appoint Diane Ebenreiter as a member of the Board of Review. Motion carried.**
- 22) Appointment of Zoning Board of Appeals Member-**Motion Gumm, second Schneider to appoint Roger Hoitink as a member of the Zoning Board of Appeals and Tom Allee as a non-voting alternate member. Motion carried.**
- 23) Appointment of Parks Committee Member-Gumm informed the Board that Pam Dekker would like to step down, Craig Franzen does not attend regularly and that the Parks Committee is always short of members and often there are not enough members present for a quorum. Several citizens have stepped forward and shown interest. **Motion Wagner, Second Schneider to move Karen Schulze to a full time member and appoint Susan Bankoz and Roger Clatt as alternates on the Park Committee. Motion carried.**
- 24) Reappointment of Ralph Schneider, David Griffin, Cole Northup to additional 3 year terms on Plan Commission and Karen Schulze to an additional 3 year term as a non-voting citizen member of the Plan Commission-**Motion Gumm, second Schwinn to reappoint Ralph Schneider, David Griffin and Cole Northup to additional 3 year terms on the Plan Commission and Karen Schulze to an additional 3 year term as a non-voting citizen member. Motion carried.**
- 25) Reappointment of Char Gumm, Pam Dekker, Gary Verhage to additional 3 year terms on Parks Committee-**Motion Wagner, second Schneider to reappoint Gumm and Verhage to additional 3 year terms on the Park Committee. Motion carried.**
- 26) Eisner Avenue Participation Agreement-The City is suggesting a payment schedule to begin no later than March 2015 due to a delay in the project. **Motion Schwinn, second Gumm to accept the Eisner Avenue Participation Agreement with the City of Sheboygan and the March 31, 2015 repayment date. Motion carried.**
- 27) Annual Groundwater Monitoring Report Licensed and Unlicensed Landfills-Atty. Bauer reviewed the annual groundwater monitoring report. **Motion Gumm, second Schwinn to approve the annual groundwater monitoring report of licensed and unlicensed landfills, as presented. Motion carried.**
- 28) Fee Schedule Update-**Motion Schwinn, second Wagner to adopt the new fee schedule of Chapter 11.05**

of the General Code of Ordinances upon posting and publication. Motion carried.

29) Commercial garbage collection issues-An update was provided. Advanced Disposal will be coming back in April with their new proposal. A list of all Town addresses was requested. Advance Disposal did not have a list available.

30) Purchase of Uniforms/shirts-A list of costs was provided. Hein did not feel that it was necessary for office staff to be included. Schwinn commented that office staff had more contact with the public than the public works staff. This item will be discussed further at the next meeting.

31) Reports-**Motion Gumm, second Wagner to accept the reports as presented. Motion carried.**

32) Communications & Correspondence-Communications and correspondence was read and filed.

33) Wilgus Avenue Sidewalks-Chairman Hein met with Ryan Sazma from the City of Sheboygan regarding the non-motorized transportation grant on the north side of Wilgus Avenue. There is no cost to the Town though there is Town right-of-way. There will be a 6' wide path in the right-of-way. The Town will not have any costs involved. Public Works Director Blashka stated that a catch basin or culvert will have to be installed that currently handles the water from the north. There is one culvert that is of concern and Blashka felt it should be re-installed. The culvert is at the LTC property driveway. **Motion Schwinn, second Schneider to move ahead with the Wilgus Avenue sidewalk conditioned on plans to show how the drainage will be addressed; submittal of construction plans including addressing drainage concerns subject to Town of Sheboygan Department of Public Works approval, which allows the City to proceed with work in the right-of-way and obtaining temporary easements from property owners. Motion carried.**

34) Adjourn-**Motion Wagner, second Gumm to adjourn the meeting at 6:45 pm. Motion carried.**

Minutes recorded by Cathy Conrad, Clerk