

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, APRIL 19TH, 2022**

A Town of Sheboygan Town Board meeting was held on Tuesday, April 19th, 2022, in open session at the New Town Hall, 4020 Technology Parkway, Sheboygan, Wisconsin 53083, 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, Brad Lambrecht, Char Gumm and Pat Schmidt, Engineer, and Director of DPW Tom Holtan, Ordinance Enforcement Officer Mark Heronymus, Clerk Peggy Fischer, Plan Commission Member Randy Blindauer, Sanitary District #3 President Art Stewart, Office Staff Chris Steeb and Jamie Hilbelink and newly elected Town Board Supervisor Tim Winkel.

Notice of the meeting was given to the public at least 24 hours prior to the meeting by 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

JIM SCHWINN, SUPERVISOR

BRAD LAMBRECHT, SUPERVISOR

CHAR GUMM, SUPERVISOR

PAT SCHMIDT, SUPERVISOR

TIM WINKEL, SUPERVISOR

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

1. Meeting called to order by Chairperson Hein at 5:15 p.m.
2. Pledge of Alliance was said.
3. Introductions were completed.
4. Approval of the Agenda. **Motion Gumm, second Schmidt to approve the agenda for April 19th, 2022. Motion carried.**
5. Approval of minutes from March 3rd, 2022, March 15th, 2022, March 31st, 2022, Joint Town Board and Plan Commission Meeting. **Motion Schwinn, second Gumm to approve the minutes from March 3rd, March 15th, and March 31st, 2022. Motion carried.**
6. Approval of the Development Agreement for S Point Ventures Acquisitions, LLC. Atty. Bauer reviewed the proposed development agreement for S. Point Ventures Acquisitions, LLC regarding a site lease to Olive Garden. This would be for the construction of a frontage road like Texas Roadhouse with parcel sold to the developer for \$1.00, which will generate \$2.8 Million in improvements, \$42,000 a year in TIF that will be used to pay back the loan for infrastructure incurred for development. This agreement will have conditions: 1) The developer will not be able to sell to the City of Sheboygan or annex to the city. If this would happen, the developer would have an additional purchase price. 2) The developer will have Right of First Refusal to sell and market the remaining area. 3) Property restrictions such as not another Italian restaurant. Andy Stein was present from S Point Ventures and Darden Restaurants to answer any questions. Stein is hoping to start construction spring of 2023. **Motion Schmidt, second Gumm to approve the development agreement with S Point Ventures with conditions. Motion carried.**
7. Option Agreement with S Point Ventures Acquisitions, LLC. Atty. Bauer explained that the property north of future Olive Garden site, which is approximately six acres would be marketed by S Point Ventures Acquisitions, LLC for a future restaurant. **Motion Schwinn, second Schmidt to approve the option agreement with S. Point Venture Acquisitions, LLC. Motion carried.**
8. Approval to enter contract with Cedar Creek Survey LLC to prepare an ALTA Survey for the Former Engineering Realty Property. Tom Holtan, Engineer for the Town of Sheboygan explained the contract with Cedar Creek Survey LLC to prepare an ALTA survey for the ten acres of the Former Engineering Realty property to create a county plat. The cost is \$12,390 and would be a refundable TIF expense. **Motion Schwinn, second Gumm to approve the contract with Cedar Creek Survey LLC for an ALTA Survey to create a county plat. Motion carried.**
9. Approval of 2021 Financial Statement and Management Representation Letter from Clifton, Larson, Allen, LLP regarding the Town of Sheboygan Audit. Bryan Grunewald was present and gave a brief presentation regarding the 2021 Financial Statement and answered any questions. **Motion Gumm, second Lambrecht to approve the 2021 Financial Statement and Management Representation letter from Clifton, Larson, Allen, LLP regarding the Town of Sheboygan Audit. Motion carried.**
10. Motion to approve proceeding to apply for a State Trust Fund Loan not to exceed \$9.5 Million and authorize Town staff and Steve Corbeille to prepare and file all necessary loan documents. Steve Corbeille, Financial Consultant for the Town of Sheboygan was present via Zoom to explain the borrowing. After a meeting with Town and Ehlers representative Phil Cosson, it was determined that the Town of Sheboygan will need to borrow \$9.5 million and apply for a State Trust Fund Loan for short-term financing for the infrastructure to start the North Town development. **Motion Schwinn, second Lambrecht to approve applying for a State Trust Fund Loan not to exceed \$9.5 Million and authorize staff and Steve Corbeille to prepare loan documents. Motion carried.**
11. Approve First Amendment to Development Agreement for Charles E. Van Horn. Atty Bauer spoke about the confirmation and ratification current development with pricing on infrastructure and the farmhouse to be sold at no cost for Van Horn to renovate with the Copula being used in the Town Center and the Town granting and early start on the renovation since the farmhouse would go on tax roll. **Motion Gumm, second Schmidt to approve the first amendment to the development agreement for Charles E. Van Horn. Motion carried.**
12. Van Horn/Town Development.
 - a. Approval to enter contract with Advance Construction, Inc. in the amount of \$6,964,593.06 for North Town Public Infrastructure Construction. Holtan explained the contract with Advanced Construction, Inc. for the public infrastructure construction. There was six bidders and the bids ranged from \$6.9 million to \$9.4

million with an estimate cost of \$8.8 million. **Motion Schwinn, second Lambrecht to approve the contract with Advance Construction, Inc. in the amount of \$6,965,593.06 for North Town public infrastructure to start in the middle of May. Motion carried.**

- b. Approval of Contract Amendment with AECOM for Construction Related Services for North Town Infrastructure Construction in the amount of \$154,783.00. Holtan explained the amendment with AECOM for construction related services for North Town Infrastructure. **Motion Gumm, second Schmidt to approve the contract amendment with AECOM in the amount of \$154,783.00. Motion carried.**

13. Department of Public Works

- a. Approval to enter into a contract for Professional Services for design of Water Tower 3. Sanitary District 3 will cover a portion of the costs not covered by TIF. Holtan explained that he had four proposals between \$140,000 and \$291,000 and recommends SEH. Holtan will submit the cost breakdown, which was Sanitary #3 to pay 65% for a total of \$95,778.80 and the Town will cover 35% of the cost, which is \$51,573.20, which will be reimbursed by the TID #1. **Motion Schwinn, second Gumm to approve the contract with SHE for professional Services for design of Water Tower 3. Motion carried.**
- b. Enter into contract with UpKeep Asset Management System in the amount of \$5,100 this year and \$3,600 annually thereafter. Holtan and Hein spoke about the UpKeep asset management system tracking assets/equipment and the ability to track maintenance. Holtan proposed a three-way split with Sanitary District #2 and #3. **Motion Gumm, second Schwinn to approve entering into a contract with UpKeep Asset Management System in the amount of \$5,100 this year and \$3,600 annually thereafter. Motion carried.**
- c. Approval to proceed with Town Hall North Parking Lot Construction not to exceed \$134,900. Holtan reported that the house will be razed by the County in May, Harter's will haul away the debris and the Town of Sheboygan DPW will install the culverts and down spouts. **Motion Gumm, second Schmidt to approve to proceed with the Town Hall North Parking Lot Construction and not to exceed \$134,900. Motion carried.**
- d. Approval of AECOM 2021 Ground Water Monitoring Report and Landfill Gas Migration Monitoring Report. Holtan reported that this will no longer be a quarterly report and it will now be semi-annual. **Motion Gumm, second Schwinn to approve the AECOM 2021 Ground water monitoring report. Motion carried.**
- e. Reimbursement Agreement for Najacht Road Construction and Union Pacific Railroad Company. Holtan spoke about the design and that Union Pacific would reimburse the Town \$25,000 for review of widening the crossing. A question from the public was asked about widening the shoulder and fill in the ditch and move the center line. Holtan said that he and Tod Holfeltz will review. **Motion Gumm, second Schwinn, to approve the reimbursement agreement for Najacht Road Construction and Union Railroad Company. Motion carried.**

14. Fire/EMS Department Report

- a. Approval of \$5,000 from the Town of Sheboygan for the Town of Sheboygan Fire Department for the April 24th, 2022, Brat Fry. Chief Biederwolf asked the Town Board for starter money for the April 24th, 2022, brat fry. **Motion Schwinn to approve with the condition of a report on what the funds were used on, second Gumm. Motion carried.**
- b. Approval of four Fire Chiefs, Ed Biederwolf, Adam Cain, Josh Lenz, and Andrew Stahl to attend the Chiefs convention in Green Bay. **Motion Gumm, second Lambrecht to approve Biederwolf, Cain, Lenz, and Stahl to attend the chief's convention in Green Bay. Motion carried.**

15. Ordinance Officer Report

- a. American Freight and Paul Food Mart parking lot/Storage Issues. Ordinance Enforcement Officer Mark Heronymus was present to speak about a few storage issues. American Freight has two large semi-trailer boxes for excess storage in the front of their store. Heronymus spoke with the manager and told her to speak with the office about meeting with the Plan Commission since outside storage is not allowed. Heronymus also spoke with Paul Food Mart about people storing vehicles and campers on the lot. Heronymus told the manager to get them off the lot.
- b. Perspective addition to staff, Jacob Mersick. Heronymus introduced Jacob Mertzig (proper spelling) to the Town Board. Jacob lives in the Town of Sheboygan and is currently an officer of the law. Mertzig is interested in a part-time position with Heronymus. Hein directed the clerk to put Jacob Mertzig on the May 17th, 2022 Town Board agenda.

16. Parks Report. Gumm was present and gave the parks report at the Annual Town meeting.

17. Approval of Permit for Use of the Town of Sheboygan Community Center and fee structure and rental availability for the remainder of 2022. The Board reviewed the application for a rental permit for the community center. **Motion**

Lambrecht, second Schwinn to approve the permit for Use of the Town of Sheboygan Community Center and fee structure. Motion carried.

18. Approval of Operator's Licenses for: Quinn Butzen, 685 E. Washington Avenue, Cleveland, WI for J Bees Silver Dollar, Terri Van Linn, 115 Professional Plaza, #129, Neenah, WI for J Bees Silver Dollar. Nathan Bogenschuetz, 1021 Trienens Rd. Plymouth, WI 53073 for Town of Sheboygan Fire Dept. Brat Fry. **Motion Gumm, second Lambrecht to approve the Operators Licenses listed above. Motion carried.**
19. Correspondence and Communication
 - a. List of foreclosures in Town of Sheboygan from Sheboygan County. **Motion Schwinn, second Schmidt to authorize the Town to contact the county regarding the two Hodgell parcels in foreclosure for more information regarding the sale. Motion carried.**
 - b. Ordinance annexing territory from the Town of Sheboygan
20. Reports a. Financial Reports b. Approval of Bills c. Plan Commission d. Parks Committee. **Motion Gumm, second Schmidt to approve the reports and bills. Motion carried.**
21. Adjourn-**Motion Gumm, second Schmidt to adjourn the meeting of April 19th, 2022, at 7:23 p.m. Motion carried.**

Peggy Fischer, Clerk