

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
HELD ON TUESDAY, APRIL 9, 2013 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, April 9, 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 Gumm, second Schneider to approve the Town of Sheboygan Town Board agenda for April 9, 2013. Motion carried.**
- 3) Approval of the Minutes-**Motion Schneider, second Schwinn to approve the Town Board minutes of March 19, 2013 as presented. Motion carried.**
- 4) Constable/Sheriff's Department-The Constables presented a draft policy. Atty. Bauer stated he had a marked up version of the ordinance. Atty. Bauer read through policy issues in question being arrest authority be removed; section related to secondary firearms be removed; along with many other sections. Atty. Bauer stated he would prefer the document in a word document that he could review and the Town Board will also go through. Fresh ammunition was also discussed. Constables VanDerPuy and Robinson presented the draft document using the Sheriff's Dept. policy manual as a starting point. They will forward this document to Atty. Bauer for his changes. This item will be placed on next agenda.
Constable VanDerPuy stated he did let Deputy Welnick of the Sheriff's Department know about this meeting. The constables sated they will both be at the annual meeting.
- Agenda items brought forward...
- 15) Ordinance related to Section 2.05 Enforcement Officers-Atty. Bauer explained that this ordinance was due to the action at the annual meeting held last year and it replaces the constables with the positions of ordinance enforcement officers. **Motion Schwinn, second Schneider to adopt and post the Ordinance Section 2.05 Enforcement Officers, as presented. Motion carried.**
- 16) Ordinance Enforcement Officers-The current constable terms expire April 16, 2013 and the Town Board can employ ordinance enforcement officers. Two letters have been submitted. **Motion Gumm, second Schneider to hire John VanDerPuy and Brad Robinson as the Town Ordinance Enforcement Officers at the same salary as Town Constables (\$10 per hour). Motion carried.**
- 18) Property at 3817 No. 48th Street complaint-Constable VanDerPuy stated that he talked to the Schmidt's which is one property north of 3817 No. 48th Street. Drainage of water from one property to another was the complaint. Ms. Bogenschuetz was present and stated they came to Town Board several years ago and were told that the Town needed an ordinance in order to address this issue, which has now been passed, however, Constable VanDerPuy has not cited the person. Ms. Bogenschuetz stated in past years Constable Lamb told Schmidt to move the sump hose and moved it to the ditch. As of 3 weeks ago the hose that should be attached was not. Pictures were presented to the Town Board. As of Sunday the other property owner has attached a hose, however with the amount of rain predicted they have concerns that he will disconnect the hose. A letter was read into the record from the Bogenschuetz's. Constable VanDerPuy stated that Chapter 18 addresses water onto another's property however the Constables do not have citation authority for this ordinance. The ordinance was read. Atty. Bauer stated that the Town Board could authorize the constable to issue a citation. Atty. Bauer was asked to work on a schedule of fines and a warning policy prior to issuance of a citation. Supervisor Schwinn suggested a warning be issued giving 10 days to resolve issues and if no action is taken then a fine would go back to the first day of the violation. This item will be placed on the next agenda.
- 5) Ordinance Amendment to Chapter 7, Section 10.8(c) (1) re: increasing square footage for accessory use-Atty. Bauer explained that the Plan Commission had a public hearing regarding an ordinance amending Section 10.8(c) (1) of the Zoning Code allowing the Town Board authority to grant a conditional use permit for additional accessory use square footage. **Motion Schwinn, second Gumm to concur with Plan Commission and approve an Ordinance Amending Section 10.8(c)(1) Chapter 7 of the Zoning Code granting the Town Board authority to grant a conditional use permit of additional accessory use square footage. Motion carried.**
- 6) Conditional Use Permit for D. Elise Wiegert for undeveloped land on CTH J & Vanguard Drive-Atty. Bauer explained that Plan Commission recommended approval of the conditional use permit for D. Elise Wiegert. **Motion Schwinn, second Gumm to approve the conditional use permit for D. Elise Wiegert (Wiegert Development LLC and Little Rainbows, Inc. dba the Hawthorne Learning Center) for undeveloped land on CTH J & Vanguard Drive to construct and operate a daycare as presented by the Abacus site plan dated March 18, 2013. Motion carried.**
- 7) Update Sheboygan Senior Community Project-Atty. Bauer explained that he and Chairman Hein met with Kleist and Basch regarding the development and a recent market study indicated there is less demand for skilled nursing home beds and they have reduced the number of beds proposed and replaced with assisted living units. A new

concept plan was presented to the Plan Commission and has been recommended for approval. A PILOT agreement will help offset costs of being tax exempt. **Motion Schwinn, second Wagner to concur with Plan Commission and approve the revised Sheboygan Senior Community development plans to remove 15 skilled nursing home beds from the project and replace them with 25 assisted living units. Motion carried.**

8) Conditional Use Permit for B & J Storage at 4420 CTH J-Supervisor Schneider stated the Plan Commission gave additional time until June 4th to clean-up the property. Schneider will provide confirmation of clean-up for the meeting. **Motion Gumm, second Schneider to authorize B & J Storage additional time, until June 4th 2013 to clean-up the property with Supervisor Schneider reporting back to the Plan Commission. Motion carried.**

9) Setting up Joint meeting with Sanitary District #2 & #3 for communications & other items-Schwinn stated he met with the Sanitary Districts regarding the purchasing policy and it was felt there should be joint meetings set up throughout the year. It was felt a May and October meeting would be good to start. **Motion Schwinn, second Gumm to have joint meetings twice per year on the second Tuesday in May and October at 5:15 pm. Motion carried.** The Clerk will work with Darla to prepare an agenda.

10) Mueller Road drainage-In 2002 Terry Johnson checked elevations in this area and those elevations show that there are several areas with high elevations that do hold back the water. The Town does not have the equipment to do this work. Blashka will get prices from Larry's, stated it is too wet to do any work at this time and it is possibly best to do work in fall. There is water that sits in culverts and Terry Johnson will review further. **Motion Schwinn, second Wager to authorize the Public Works Director Blashka to get costs and put this item on a future agenda. Motion carried.**

11) Intergovernmental Agreement re: maintenance of Rangeline Road- Supervisor Schwinn stated he was at the meeting of the Town of Sheboygan Falls and they did not make a decision while he was at the meeting. Town of Sheboygan Falls did not want additional expenses and would plow, however they did not want the additional responsibility. This will be placed on the next agenda.

12) Operators License-**Motion Gumm, second Schneider to approve the operator's license for Emily R. Crneckiy, 2618 Penn Circle for Shuff's. Motion carried.**

13) Storage of non-Town vehicles/equipment at Firehouse & Maintenance Buildings-Supervisor Schwinn recommended that no non-Town vehicles be stored at the firehouse without prior Town Chairman approval. **Motion Wagner, second Schneider that non-Town vehicles cannot be stored at the Firehouse or Maintenance Building without prior Town Chairman approval. Motion carried.** The Clerk was directed to send a memo to Fire Chief with this information.

14) Invoice for payment of trailer from Mueller Sales & Service Inc. for over authorized amount-The invoice amount was over what was approved at a prior Town Board meeting. **Motion Schneider, second Wagner to approve the Mueller Sales & Service Inc. invoice as presented for \$8,975 with all funds coming from the Fire Department Capital Outlay budget. Motion carried.**

15) Ordinance amendment to Section 2.05 re: enforcement officers-This item was addressed earlier on the agenda. See Item #4 above.

16) Hiring Town ordinance enforcement officers-This item was addressed earlier on the agenda. See Item #4 above.

17) Town Hall floor repairs-A floor repair estimate was received. Repairs are necessary to sections of the flooring. This will be put on agenda for the budget meetings.

18) Misdirection of water related to complaint at 3817 No. 38th Street-This item was addressed earlier on the agenda. See Item #4 above.

19) DPW Bill Blashka attendance at American Public Works Association Spring Conference May 8-10 in LaCrosse-**Motion Schwinn, second Gumm to authorize DPW Blashka to attend the May 8-10, 2013 Conference in LaCrosse, WI. Motion carried.**

20) Request to sell the unimproved right-of-way east of 5205 CTH J (Parcel 59024344001)-Jesse Semp, 5205 CTH J was present and expressed an interest in wanting to purchase property adjacent to 5205 CTH J and stated he does not want to building anything on the property. Atty. Bauer stated that in 1993 the County deeded the property to the Town for potential right-of-way. WI Statutes regarding discontinuance of a highway was read. No improvements have been made to this land for road use. The highway is discontinued and is owned by the Town

and does not need to go through the road vacation process. Atty. Bauer stated he does not know of anything under the property. There are no utilities on the property. Atty. Bauer recommended the Town could sell in an "as is" condition with no warranties about the condition. Semp stated that 5205 CTH J is his grandmother's and his mother is the power of attorney. Atty. Bauer stated this property can be merged with deed language. There are concerns of the intersection at Koechel Court and it was suggested that this property be squared at the back property line and possibly offer this section to the other neighbor. Semp stated this neighbor also expressed an interest in purchasing the remnant. The appraised value is unknown. There is a cinderblock foundation on the property and could decrease the value. The Town Board suggested they could possibly offer the property for sale at \$5,000 for the larger 2/3 piece and \$2,500 for the smaller 1/3 piece. Semp will contact his attorney for drawing up an offer to purchase along with notifying the neighbor of the option discussed at this meeting. This will be put on the agenda for the next meeting.

21) Election Update-The Clerk stated the Election went well and there was adequate space at the firehouse for the combine polling places. The Clerk indicated that the north bay could be used to store fire equipment during future elections other than large elections such as the gubernatorial and presidential elections, which would require use of the full firehouse.

22) AECOM NR26-61 Compliance Annual Report for year 2012-**Motion Schneider, second Wagner to accept the NR216 report as presented. Motion carried.**

23) CDBG Revolving Loan Fund semi-annual Report Certification for July 1, 2012-December 31, 2012-**Motion Gumm, second Schwinn to approve the CDBG Revolving Loan Fund semi-annual Report Certification for July 1, 2012 – December 31, 2012 as presented. Motion carried.**

24) Land Use & Easement Agreement for Wal-Mart Stores East LP land on Vanguard Drive-Atty. Bauer explained that WalMart came back with language related to the drainage easement for land on Vanguard Drive. Atty. Bauer recommended approving the new land use and easement agreement as presented by Wal-Mart. **Motion Gumm, second Wagner to approve the Land Use and Easement Agreement for Wal-Mart Stores East LP land on Vanguard Drive and authorize the Town Chairman and Town Clerk to sign the agreement. Motion carried.**

25) City of Sheboygan annexation of southwest corner of Wilgus Avenue & No. 36th Street-Atty. Bauer explained this property is a direct annexation of a parcel on the Corner of Wilgus Avenue and No. 36th Street, across from VanHorn Automotive and is owned by Lakeland Auto. There was no action taken.

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

Char Gumm reported that the Lion's Club is paying for the entire project related to the building of a 12' x 16' covered gazebo with a concrete floor. Ray Price was present and explained that a contractor will be hired and the Town will not have any expenses. It is expected to be a \$6,000 cost. This gazebo will provide a shade area near the playground area. All costs will be covered by the Lion's Club. Benches would also be built into the gazebo area if there are enough funds. The Parks Committee has approved this project. Price also explained they would like to make a concrete "L" with the date and 10" round Lion's Club emblem to be installed. It was recommended that a "donated by" sign would also be appropriate. Price explained they need Town Board approval with the hope that weather will improve and construction will be completed before the Lion's Fest event. Since this was not a line item on the agenda it was suggested that a Town Board meeting be scheduled immediately after the Annual meeting to approve the gazebo so the Lion's Club can proceed.

Gumm reported that a community member was present at the Park Committee meeting and inquired about using the parks area for a rugby club. This will be discussed further at the next Park meeting and would be a line item on the Town Board agenda if this proceeds.

Gumm reported that the committee is also working on the potential of a disc golf layout at the park.

27) Application for Temporary Class B Retailers License-**Motion Gumm, second Schwinn to approve the temporary Class B Retailers License for April 21, 2013 Fire Department Brat Fry and waive the application fee. Motion carried.**

28) Adjourn-**Motion Schwinn, second Schneider to adjourn the meeting at 6:50 pm. Motion carried.**

Minutes recorded by Cathy Conrad, Clerk