

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, May 17, 2016 @ Noon**

A Town of Sheboygan Town Board meeting was held on Tuesday, May 17, 2016 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 Char Gumm, Dan Olson, James Schwinn, John Wagner, Attorney 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 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

CHAR GUMM, SUPERVISOR

JAMES SCHWINN, SUPERVISOR

JOHN WAGNER, SUPERVISOR

DANIEL OLSON, SUPERVISOR

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

- 1) Chairman Hein calls the meeting to order and introductions of Board 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 May 17, 2016 as presented. Motion carried.**
- 4) **PUBLIC HEARING**
Removal of Territory from the Town of Sheboygan Sanitary District No. 2 (French VanAkkeren) property located south of Ridge Road-Atty. Bauer opened the public hearing and stated this is removing a small parcel of property from the Sanitary District and it is a technicality for only a sliver of land. Atty. Conway stated to Atty. Bauer that he is in favor of the removal. **Motion Schwinn, second Gumm to close the public hearing. Motion carried.**
- 5) Order Removing Territory from the Town of Sheboygan Sanitary District No. 2 (French VanAkkeren) property located south of Ridge Road-**Motion Schwinn, second Wagner to approve the Order Removing Territory from the Town of Sheboygan Sanitary District No. 2 (French VanAkkeren) property located south of Ridge Road. Motion carried.**
- 6) Approval of Minutes of March 15, 2016; March 21, 2016; April 19, 2016; April 25, 2016 and May 10, 2016-**Motion Gumm, second Wagner to approve the minutes as listed. Motion carried.**
- 7) Conditional Use Permit for Menard, Inc., 4825 Vanguard Drive-Atty. Bauer reported the Plan Commission recommends approval with conditions. **Motion Gumm, second Schwinn to approve the Conditional Use Permit for Menard, Inc., 4825 Vanguard Drive with the conditions that:**
 - a) the drainage plan be reviewed and approved by AECOM with AECOM recommendations;**
 - b) the stormwater management agreement be approved;**
 - c) landscaping plan as presented be carried out;**
 - d) the colors of the addition match the existing building;****Motion carried.**
- 8) Commercial Plan Review-Hein reviewed the meeting with Jane Drager, **Motion Schwinn, second Olson to hire Jane Drager as an employee for Commercial Plan Review and inspections, as qualified, upon completion of delegation from the State for plan approval. Motion carried.**
- 9) Terms of Committee Members-Atty. Bauer stated this is a review of Chapter 2. Plan Commission members are statutorily set at 3 year terms with 2 alternates who can vote when a regular member is absent. This will be updated in the Ordinance, along with the civil defense division; Sanitary District No. 2 & Sanitary District No. 3 requires 6 year terms; Ordinance Enforcement Officer upgrade to duties; Administrator Ordinance duties will be updated; Board of Review terms can be changed to indefinite; Park Committee terms will also be eliminated. Chapter 2 Ordinance will be updated at the next meeting.
- 10) Firefighter's Pay-\$17,600 budgeted for 31 active personnel of \$400 plus surplus of 40% to firefighters and 60% to all EMS members. This formula will be different next time when the structure for payout will be changed. **Motion Wagner, second Olson to approve the maintain and recruit pay of \$17,600 for firefighter and EMS members. Motion carried.**
- 11) Ordinance Enforcement Officer Reports-Officer Heronymus reported that barricades will be provided by the Public Works Department for the Gary J. Nosal party at 3905 No.46th Street between 11 am and 11 pm. **Motion Schwinn, second Wagner to approve the closing of the street on Saturday, May 21, 2016 from 11 am to 11 pm for the party at 3905 No. 46th Street. Motion carried.**
Heronymus reported that he has complaints of "junkie" yards from neighbors and he is aware of other

municipalities that have proceeded with nuisance complaints and the courts felt it was a matter of opinion. Heronymus asked if the Town would consider changing the ordinance to get rid of allowing one unlicensed vehicle and not allowing any to be visible. The condition of yards is a factor by most complainants and after he talks to some he has been able to convince some to clean up the property. Cram stated that he was at the property owned by Realcon. Atty. Bauer stated the property owner leases property to a landscaper who keeps his vehicles on the property and he does not do a business from the site and there is not anything the Town can do, but Realcon Attorney's will be talking to the lessee to clean-up the property. Hein stated that Atty. Moyer was going to talk to the lessee about cleaning up the property.

Supervisor Gumm commented that the park is open to the public and there was a large beer party and people were throwing up all over the park and asked what jurisdiction the officers have over this. Cram stated that he can put it on the County roll call to do periodic checks. Town officers can't detain but can make a call to the Sheriff's Department for this. The park is used more and more all the time.

Ed Worthman commented that the Town has to keep a handle on this situation before it gets out of hand by issuing citations and taking control. Also discussed was the park being posted and whether or not the Town can issue citations for activities after hours.

Atty. Bauer stated that if the Town has a police department the Town assumes all training responsibilities. Some communities contract with other small municipalities because they are basically running their own police department. Worthman stated that he feels that someone needs to write citations for trespassing if someone is in the park after hours.

Officer Heronymus commented about the complaint from Mr. Green regarding Superior Lawn & Garden. Heronymus stated that most complaints concern the noise of the equipment and the backing up beeps.

Motion Olson, second Schwinn to allow Heronymus to attend emergency vehicle operation class at Lakeshore Technical College. Motion carried.

The Ordinance re: Enforcement Officers will be rewritten and allow the officers leeway to write citations for some infractions. This will be put on the next agenda.

12) Mutual Aid Agreement-Atty. Bauer stated this is being initiated by the Sanitary District as directed by the WDNR and they felt this might be better as a mutual aid tool. Chairman Hein will bring up at the next County Head's of Government meeting and it will be distributed from there. **Motion Gumm, second Wagner to approve the Mutual Aid Agreement as presented. Motion carried.**

13) Greendale Road culvert improvement over Willow Creek-Blashka provided an update that John Gumtow approached the Town about improving the road crossing near the cemetery due to it being a trout producing and spawning stream. This was first bought up in 2009 and they have been through the first phase to update the road crossing and this is 100% funded and the Town's only participation is that we are the municipality that it is in.

14) North Lane Drainage-Atty. Bauer stated they contacted Realcon and AECOM and essentially Realcon did not have a lot of information about their property. Blashka found 5 tile crossings on North Lane that were reconnected at the time sewer was put in. The Town does not know if these are still working. The tiles can go for hundreds of feet or miles long and no one has a camera that can go this far. Realcon does not have any real plans for development at this time. They mentioned that they owned property south of the Mitch house and they would work with the Town to build a waterway. They do not have any interest in building a retention pond. Blashka stated that he and AECOM discussed a berm that could block some water that now comes across and possibly running storm sewer across. The permitted discharge would be required to discharge to Lake Michigan. Realcon would have to agree to an easement for this project. Tom estimated \$30,000 to \$50,000 without knowing more about the area. More sampling would also be considered. A berm would have to be built in their field. Tom/AECOM stated that right now there is no place to discharge a retention pond and possibly they could cost share. Danner felt the road should be raised and ditching for about 200'. Hein stated that sounds like a \$150,000 fix. Realcon is not willing to put any pond or berm on their property. Danner asked why the Town couldn't just ditch the area and let the water sit there. The DNR would not look kindly on changing drainage basins. Blashka will check with tiling companies to see if he can come up with any remedies for the situation. This will be put on the next agenda.

15) Rangeline Road, Playbird Road & Woodland Road-Cost estimates were provided for these roads and

Enterprise Drive. Estimates are \$747,778.00 for these 4 roads. Woodland Road east/west is not included. Blashka recommended holding off on some of these projects until 2017 due to prevailing wage changes. **Motion Schwinn, second Gumm to authorize AECOM to engineer Woodland Road east/west for the road and drainage. Motion carried.** This will be placed on the next agenda.

16) Entrance signs & Town logo for Town & proposal for services-Supervisor Olson provided cost estimates for logo work. **Motion Schwinn, second Gumm to agree to hire Katie Pauls to do a logo design with a cost not to exceed \$2,000. Motion carried.**

17) Update on Retail Coach development plan-Retail Coach has calculated what the average household spends on all expenses. The Sheboygan Community spends about \$3 billion dollars a year and at least \$1 billion dollar is being spent outside of Sheboygan area. Hoping that this information will spur other developers. They feel they have good retail numbers to share with others at the conference in Las Vegas. The economy has picked up and developers are looking to make investments. Hein stated that the Town should take an interest in the old skating rink property to see if they are willing to sell. This will remain on future agendas.

18) Application for Temporary Class B Retail License for Lion's Club on July 8 & July 9, 2016-**Motion Gumm, second Wagner to approve the Temporary Class B Retail License for Lion's Club on July 8 and July 9 and waive the fee's. Motion carried.**

19) Landfill Gas Monitoring Report & Construction Approval letter from WDNR-Atty. Bauer stated there are three items that need Town Board attention-

a) April 2016 WDNR approval letter and included requirements. **Motion Gumm, Second Schwinn to approve the WDNR approval letter dated 4-27-2016. Motion carried.**

b) Landfill gas monitoring report dated 4-18-2016 **Motion Wagner, second Olson to accept the Landfill Gas Monitoring report dated 4-18-2016. Motion carried.**

c) Draft 2015 annual groundwater monitoring report dated 4-14-2016 from the testing done in October. **Motion Olson, second Schwinn to approve the 2015 Annual Groundwater Monitoring Report from 4-14-2016 and submit. Motion carried.**

20) Park Issues-These items were already handled under Ordinance Enforcement Officer report.

21) Upgrade to electrical at Park-Lion's Club suggested upgrading the park electrical so they don't need to rent a generator. **Motion Wagner, second Schwinn to approve allowing the Lion's Club to upgrade the electrical at the Park at their cost. Motion carried.**

22) Operators License-**Motion Gumm, second Wagner to approve the Operator's License for Paula L. Habeck, 1908 Daisy Lane, Two Rivers for Blind Horse. Motion carried.**

23) SCEDC website update-Board members will take a look at the website for any other proposed changes.

24) Bridge aid requests for 2017 budget-Blashka stated the Town does not have any culverts that qualify for this aid.

25) Country Meadows Drive drainage-Blashka commented that an invoice was received for Larry Mihalevich. In the minutes from the 2015 meeting there were supposed to be documents submitted to the Town engineer and inspections done, and nothing was done. The Town agreed to pay \$50 per foot for 73' for their portion; \$3,650 would be Town's portion. **Motion Olson, second Schwinn to authorize payment of \$3,650 with the stipulation that if the system at 4051 Country Meadows Drive fails because approved specifications were not completed the property owner takes full responsibility. Motion carried.**

26) Appointment of pollworkers-**Motion Gumm, second Wagner to appoint Jane Letscher , 714 Oak**

Tree Road and Barb Kleine, 4330 Hunters Glen Dr. as pollworkers through December 31, 2017. Motion carried.

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

28) Fale parcel at W1975 West Main Avenue-Blashka and AECOM went out to look at property. Fale did not finish the grading plan. The property is a mess. Atty. Bauer will draft a letter and allow 30/60 days for compliance. **Motion Gumm, second Schwinn to authorize a letter from Atty. Bauer regarding the property not being in compliance and the property owner be given 60 days to bring the property into compliance. Motion carried.** This item will be placed on the next agenda.

29) Correspondence-Green letter was discussed under constable report.
Holbrook letter-no action at this time.

30) Hiring of Office Personnel-Put ad in Sun and Sheboygan Job Center. Put on next agenda.

31) Adjourn- **Motion Wagner, second Gumm to adjourn the meeting at 7:18 p.m. Motion carried.**

Cathy Conrad, Town Clerk