

**MINUTES OF THE MEETING OF THE  
TOWN OF SHEBOYGAN TOWN BOARD  
TUESDAY, May 21<sup>st</sup>, 2019 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, May 21<sup>st</sup>, 2019 in open session at the Town of Sheboygan Town Hall, 1512 No. 40<sup>th</sup> 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, Tom Holtan from AECOM, Town Engineer, Peggy Fischer and Chris Steeb.

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**

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DANIEL W. HEIN, CHAIRMAN

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JAMES R. SCHWINN, VICE-CHAIRMAN

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CHAR GUMM, SUPERVISOR

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JOHN WAGNER, SUPERVISOR

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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.
2. Pledge of Allegiance-The Chairman led those present in the Pledge of Allegiance.
3. Agenda-**Motion Wagner, second Gumm to approve the agenda for May 21<sup>st</sup>, 2019 as presented. Motion carried.**
4. Approval of Minutes-**Motion Gumm, second Nugent to approve the minutes of April 16<sup>th</sup>, 2019 as presented. Motion carried.**

Attorney Bauer opened the discussions.

5. Discussion/Action – An Ordinance Amending The Zone Code, Chapter 7 of the Ordinances of the Town of Sheboygan and Accompanying Map (More Particularly Section 4.2 Thereof) By Changing Property From its Present Zoning Classification of A-1/R-1 (Agricultural District/Single Family Residence District to R-1/RE (Single Family Residence District/Rural Estate District (Hillcrest rezoning application on behalf of owner Jeanne Crosby). Atty. Bauer explained that the rezoning would be for larger lots with a minimum of three acres. Atty. Bauer reported that The Plan Commission recommended approval to the Town Board. **Motion Schwinn, second Wagner to approve the ordinance and the rezoning of parcel 59024343362. Motion carried.**
6. Discussion/Action - Certified Survey map for parcel split on Meadowbrook Lane. Atty. Bauer reported that the Plan Commission recommending approval of the Certified Survey Map with the caveat that the Sanitary District perform a comprehensive study to extend sanitary sewer and assessment in the future. **Motion Gumm, second Wagner to approve the Certified Survey Map for parcel split of parcel 59024343362 and recommendation of Sanitary District performing a comprehensive study of extension and assessment. Motion carried.**
7. Discussion/Action - Conditional use permit for T & T Enterprises, 3706 Enterprise Drive. Atty. Bauer reported that the Plan Commission recommended approval based on a color rendering being submitted to the Town Board. **Motion Schwinn, second Gumm to approve the submitted color rendering for the addition and the loading dock at T&T Enterprises, 3706 Enterprise Drive. Motion carried.**
8. Discussion/Action - Ordinance Enforcement Officer Report. No report per Mark Heronymus.
9. Discussion/Action – An Ordinance repealing and recreating Chapter 8 Building Codes of the Town of Sheboygan- Atty. Bauer explained that with the New Building Inspection Program there were changes that needed to be updated in the ordinance as well as an update to the Uniform Single Family Dwelling and Chapter #2. **Motion Gumm, second Nugent to approve Chapter 8 Building Codes to include Chapter #2 for the Town of Sheboygan. Motion carried.**
10. Discussion/Action - Operators License for Benjamin Jensen, W1965 West Main Ave, Sheboygan and Linda Weber, 5118 Mueller Rd, Sheboygan for Lion's Fest 2019 & waive fees. **Motion Nugent, second Wagner to approve waiving the fees for Operators Licenses for Jensen and Weber for Lion's Fest 2019. Motion carried.**
11. Discussion/Action - Temporary Class B one day license for Town of Sheboygan Lions Fest on June 28, 2019 from 1 pm to 11 pm & waive fees. **Motion Gumm, second Schwinn to grant a Temporary Class B one day License for Town of Sheboygan Lions Fest on June 28<sup>th</sup>, 2019 and waive the fees. Motion carried.**
12. Discussion/Action – Pine Hills Country Club/Dennis Prigge, 4914 Superior Ave, Fireworks Permit-The dates for the permit are July 19<sup>th</sup> and 20<sup>th</sup>. **Motion Gumm, second Nugent to approve a Fireworks Permit for Dennis Prigge, 4914 Superior Ave for July 19<sup>th</sup> and July 20<sup>th</sup>, 2019. Note the change to the permit form to reflect the current Chief of the Fire Department to contact. Motion carried.**

13. Discussion/Action - HVAC Contract for replacement of Town Hall boilers and air conditioning. **Motion Gumm, second Wagner to approve the HVAC Contract for replacement of Town Hall boilers and air conditioning. Motion carried.**
14. Discussion/Action – Delinquent Promissory Note and Personal Property taxes Ellen Fraser, 5019 Flagstone Rd. Atty. Bauer explained that the Town of Sheboygan has a judgment against Ellen Fraser, but she has two other judgments with garnishments in front of the Town of Sheboygan. No action.
15. Blind Horse Angel Walk-**Motion Wagner, second Schwinn to approve the use of Town roads for the Blind Horse Angel Walk. Motion carried.**
16. Discussion/Action -Blind Horse dates for approved festivals. No action needed.
17. Discussion/Action - 75<sup>th</sup> Anniversary Celebration of Fire Department. Josh Lenz gave an update regarding businesses interested in participating in the parade. There will be a ribbon cutting after the parade for the splash pad from approximately 10:30am-11:00am. They are still working on a generator trailer donation and Adam is working on the paperwork for the Blackhawk helicopter.
18. Discussion/Action – Status of Splash pad for Firehouse Park-Gumm said the area had been staked, but Blashka would like it moved so it would not incur more costs for tree removal. Spielvogel will be doing the excavating at the end of the month, weather permitting.
19. Discussion/Action - Status of Business Park Violations re: covenants. Blashka to do a follow up. Scott Schaefer, Owner of Scotty's Landscape was present to discuss the letter he received regarding the covenants. His business has grown substantially since his original Conditional Use Permit. He does not have the available parking space for his vehicles and his employees' vehicles. Schaefer said that the covenants should evolve with the businesses. A portion of the covenants regarding parking was read by Atty. Bauer. Schaefer said there needs to be a change in the parking ordinance. Schaefer has spoken to other businesses close to his to rent parking places and is currently renting space from a business in the park. His concern is that the Town drop-off would need to disappear in order to have room to park. Currently the garden center employees' park in the lot and the production people park on the street and there is no overnight parking. The suggestion of parking on the side streets for retail businesses as long as there are not obstructions was mentioned by the Board. **Motion Nugent, second Schwinn for Atty. Bauer to review and update the covenants regarding street parking for retail businesses only and not on Enterprise Drive. Motion carried.**
20. Discussion/Action - Weight limits on Najacht Road & road condition- Blashka spoke with Ryan Sazma and he is referring it to the city since there is a city project happening out in that area.
21. Discussion/Action - 3830 Koehn Avenue drainage issue-Blashka spoke with Hersey's' and the work should be completed by June 30<sup>th</sup>, 2019.
22. Discussion/Action - 1811 Playbird Road drainage issue. Holtan surveyed the east end and a possible solution would be to cut a ditch in the north side and run it west with a cross culvert to take the water to the creek. Holtan is working on the grades with Blashka. The other issue is the private storm drain in the back yards that ran west and was possibly damaged. Al Berchem, 1811 Paybird Road and Carl Hert of 1804 Cardinal Parkway, Ken Horkan, 1927 Cardinal Parkway, Kim Marggraf, and 1711 Cardinal Parkway spoke about the issues in the area. **Motion Wagner, second Schwinn to have Tom Holtan, AECOM review the as-builts. Motion carried.**
23. Discussion/Action – 3532 Windridge Lane-Hillcrest Development and Drainage. Per The Board and DPW, Hillcrest did not complete construction of the swale and the water is getting stuck in the resident's backyard. Christine Stimac is the homeowner and she has contacted Hillcrest regarding the issue. Sean Venetjoki of 4719 Mueller Road and Wayne LeClair a friend of Christine Stimac spoke about the Windridge drainage ditch and both said they do not think it was done properly. Venetjoki said that he had met with Blashka regarding this issue previously. Tom Holtan will call to see what Hillcrests plans are and indicate that the issue needs to be fixed.
24. Discussion/Action – Fairway Estates drainage issue related to berm. The resident hired an Attorney and a Surveyor. Will discuss at next Town Board meeting.
25. Discussion/Action – Matt Moeller Observation Tower at 1444 Waveland Rd. Matt Moeller was not present. Atty. Bauer explained that Moeller is building a home in the Town of Sheboygan on 35 acres. We would like to build an observation tower. There is a 35 foot max height for any structure. Moeller is asking to amend the zoning code

for an observation tower. Atty. Bauer will contact Moeller regarding the possibility of Moeller rezoning to allow for accessory use.

26. Discussion/Action - Glacial Lakes Conservancy Property Donation. Atty. Bauer discussed the conditions of the Quick Claim Deed to transfer 3.3 acres of donated land to Glacial Lakes Conservancy. **Motion Gumm, second Wagner to approve the Quick Claim Deed to Glacial Lakes Conservancy with conditions listed as well as a motion to authorize the Town Chairman and Town Clerk to sign. Motion carried.**
27. Discussion - Kendra Kelling of Lakeshore Natural Resource Partnership re: invasive Phragmite-**Motion Gumm, second Wagner to table until next meeting. Motion carried.**
28. Discussion/Action - Playbird Road update from Dan Hein. Hein spoke with the Chairman of Town of Mosel who said that the Town of Mosel does not have money in the 2019 budget to do road work on LS up Hwy. 42. In 2020, Town of Mosel will have money in the budget to repave LS up Hwy. 42.
29. Discussion/Action – UW Green Bay Municipal Clerks Institute Registration and Master Academy for Civic and Public Affairs Registration for Peggy Fischer. **Motion Schwinn, second Nugent to approve Clerks Institute Registration and Master Academy Registration for Peggy Fischer. Motion carried.**
30. Discussion/Action – Landfill Gas Migration Monitoring Report and WDNR Reduction of Hours of Operations of the Methane Control System. **Motion Gumm, second Wagner to approve the Landfill Gas Migration Monitoring Report and WDNR Reduction of Hours of Operation of the Methane Control System. Motion carried.**
31. Reports-**Motion Schwinn, second Wagner to approve the reports as presented. Motion carried.**
  - Correspondence - Maywood Earth Ride 2019 Route Proposal-**Motion Gumm, second Nugent to approve the use of Town roads for the Maywood Earth Ride 2019. Motion carried.**
  - Complaint letter re: parking on Manor Parkway-No action needed.
  - Driveway issue letter, 1432 N. 43<sup>rd</sup> Street, Dawn and Gregory Schwartz-No action needed.
  - Driveway issue, 3702 N. 35<sup>th</sup> Street, John Rogers-Holtan and Blashka to look at issue with driveway. Place on next month's agenda for follow up.
  - Complaint letter re: Curve sign at 10<sup>th</sup> & Weiss. Per Hein the sign is in Towns right away so we should put up a new sign. **Motion Gumm, second Wagner to put up a new sign. Motion carried.**
32. Discussion/Action – Walmart Tax Settlement. **Motion Nugent, second Schwinn to go into closed session. Motion carried.**
33. **Closed Session** The Town of Sheboygan Town Board may Convene into Closed Session pursuant to Wis. Stat. 19.85 (1) (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved – Wal-Mart Stores, Inc. litigation
34. **Open Session** The Town of Sheboygan Town Board may reconvene in Open Session to make decisions on Closed Session items.
35. Discussion/Action - Engineering Reality Group
36. **Closed Session** The Town of Sheboygan Town Board may convene into Closed Session pursuant to Wis. Stat. Section 19.85 (1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
37. **Open Session** The Town of Sheboygan Town Board may reconvene in Open Session to make decisions on Closed Session items.
38. Discussion/Action - Employee Review
39. **Closed Session** The Town of Sheboygan Town Board may convene into Closed Session pursuant to Wis. Stat. Section 19.85 (1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

40. **Open Session** The Town of Sheboygan Town Board may convene in Open Session to make decisions on Closed Session items.
41. Discussion/Action - Volunteer Fire Department Matters
42. **Closed Session** The Town of Sheboygan Town Board may convene into Closed Session pursuant to Section 19.85(1)(f) for the purpose of Considering financial, medical, social or personal histories or disciplinary data of specific persons, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data..
43. **Open Session** The Town of Sheboygan Town Board may reconvene in Open Session to make decisions on Closed Session items. **Motion Wagner, second Gumm to go into open session. Motion carried.**
44. **Motion Schwinn, second Gumm to adjourn the meeting at 7:25 pm. Motion carried.**

Peggy Fischer, Clerk