

**MINUTES OF THE MEETING OF THE  
TOWN OF SHEBOYGAN TOWN BOARD  
HELD ON TUESDAY, JUNE 18, 2013 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, June 18, 2013 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, 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**

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DANIEL W. HEIN, CHAIRMAN

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RALPH J. SCHNEIDER, SUPERVISOR

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CHAR GUMM, SUPERVISOR

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JAMES R. SCHWINN, SUPERVISOR

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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) Pledge of Allegiance-The Chairman led those present in the Pledge of Allegiance.
- 3) Agenda-**Motion Wagner, second Gumm to approve the Town of Sheboygan Town Board agenda for June 18, 2013. Motion carried.**
- 4) Approval of the Minutes-**Motion Gumm, second Schwinn to approve the Town Board minutes of May 14, 2013 & May 21, 2013 as presented. Motion carried.**
- 5) Constable/Sheriff's Department- Atty. Bauer reviewed the marked up version of the policy regarding weapons authorization, use of force and use of conducted electrical weapons. No new questions were presented. **Motion Schneider, second Gumm to approve all three policies regarding weapons authorization, use of force and use of conducted electrical weapons for the ordinance enforcement officials. Motion carried.**  
No one was present from the Sheriff's Department for a report.
- 6) Sign Permit for JJ Trucking, 3633 Enterprise Drive-**Motion Schwinn, second Gumm to approve the sign permit for JJ Trucking, 3633 Enterprise Drive, as recommended by the Plan Commission. Motion carried.**
- 7) Line of Credit with Sanitary Districts-Sanitary District No. 3 President Mark Flasher met with the Town Board to discuss an available line of credit. Atty. Bauer stated this relates back to the Joint meeting held May 14, 2013. Mark Flasher stated that the Sanitary District No. 3 would like to assist if there is a need and they would borrow up to \$150,000 and Sanitary District No. 2 could allow an interest only loan to be paid on the current loan or borrow up to \$100,000. The Sanitary District's suggested a line of credit rather than a loan. Flasher stated he talked to John Smith and Smith mentioned factors that debt service may affect the tax levy which he was unaware of. The Districts would like to participate and assist the Town with financial situations. Flasher suggested that the Town and the Sanitary District consult with John Smith regarding possible borrowing as he is most familiar with the accounts.
- 8) Advanced Disposal representatives presented a proposal for trash disposal services. The current contract is up at the end of the year. Currently they have the infrastructure to go automated in the Town. Hein has been working with John Roenitz regarding numbers and currently the Town pays \$8.18 per household for 2407 pick-ups at a cost of \$19,689 per month. The rate is going up 1-1-14 and Advanced would like an automated service with provided containers and the proposed rate would be \$10.35 per unit totaling approximately \$24,000 per month with a fuel surcharge per gallon and a 2% increase in later years. Hein ran numbers and came back with new numbers. Many municipalities are putting this charge onto the residents as a fee. Atty. Bauer explained that in a recent joint finance committee meeting dealing with the state budget the finance committee has put in place a provision that says going forward the Town would have a cap on fees and tax levy. At the current time it is unclear if a previously funded tax levy shifted to a fee will reduce the tax levy and because the Town is doing something new that was not financed out of the 2013 tax levy that may possibly be allowed to be placed on the tax bill. Finance Committee language will have to be reviewed after it is passed. Hein proposed a reduced rate. Current rates in the area range from \$9.75-\$14.00. Hein proposed \$9.75 per pickup. Advanced came back with \$10.00 with a 3 year freeze and 2% increase in years 4-10 to \$11.48 per pickup. If the Town stays with the same system it is using now the rate would go up to \$10.35 with an additional 5-6%. If customers require special pick-ups if they have more than one container full they could do that on occasion only if arrangements are made with Advanced Disposal. Hein stated the Town has until September to make a decision. The Town can go out and bid, however if it is bid out Advance will send the proposal to corporate and the rate will be higher. The Town of Sheboygan Falls is at \$14.00 per pick-up. It was the recommendation of the Board to put this item on the Finance Committee agenda for July to make a recommendation to the Town Board. Atty. Bauer suggested that if this contract is approved that the Town put language in the contract stating this is a new service and would possibly be able to be placed on the tax bill as a line item. This will be placed on the next agenda.
- 9) Mirsab Mujkanovic was present regarding development of a parcel of land located on No. 32<sup>nd</sup> Street. The Mujkanovic's are purchasing 2 lots on No. 32<sup>nd</sup> Street north of Lisa Avenue. The road never went through on No. 32<sup>nd</sup> Street. He asked if the Town is looking at putting in the proposed road. There is sewer in the road. Blashka stated the water is not in road. They plan on building one house as soon as they sell their house in Cleveland and then within 2 years build on the second lot. It was noted there is no base for a road. The County had looked at making a road the width of one lot in a different area at an estimated cost of \$20,000. If the road would run all the way up to Jay Road the approximate cost would be \$150,000. Another option would be to build a private gravel driveway to those two lots. He stated he is also trying to purchase the adjoining lots. Blashka stated that there was an agreement with Bistan that

if the road were ever to be put in the cost of water and road would be assessed to property owners. The Town allowed Bistan to put in a private driveway until the time that road is constructed. The Board will review the contract with Bistan and everyone will look at property and it will be discussed further at the July 16<sup>th</sup> meeting.

10) Amendment to conditional use permit for Superior Lawn & Garden, 6510 Superior Avenue for a permanent driveway on Woodland Road. Hein went to the property yesterday and looked at the property. Hein talked with John Behrens and Behrens stated he planned on storing materials for landscaping and will try to make it so the product is not seen by neighbors. Behrens will plant evergreens and make a berm with plantings. No one on either side would see the storage of items.

Neighbors spoke that there was not supposed to be a driveway there per the originally approved plans and now the plans have changed. Equipment is going in and out and of the driveway and dirt is blowing around. They were told this driveway was a temporary driveway only.

Neighbors stated that they are upset because of what was said and what has happened is different than originally proposed. Behrens stated the road being closed the last few years was an issue and a hardship on his business. Neighbors stated they are trying to be patient, but this problem continues and they are very discouraged. Last year there was dumping going on. Neighbors talked with Behrens about what he was going to do to the property. Neighbors do not feel very trusting of Behrens. The grass was finally cut right before the meeting, black plastic was pulled out. Behrens stated that neighbors in the back do not want the driveway in the back. Neighbors felt that their property is devalued. Behrens stated whether the driveway is there or not he can still move equipment around on the property. Neighbors don't like the idea that this commercial property is in a residential neighborhood. Hein stated that there was a public hearing when the commercial zoning was allowed and the neighbors were not opposed at that time. Behrens stated the economy was bad and his business still survived and he is working with contractors to level off dirt and he will continue by planting white pines and evergreens around the property. The berm would be in front with high plantings. Neighbors stated that large equipment comes into the property and many other semi's actually pulled into private driveways. Behrens stated that boulders will be loaded on his one ton trucks. Neighbors asked what happens if he doesn't do what he says he will do. Hein suggested a November 1<sup>st</sup> deadline. Neighbors stated that what Behrens does with his business is his businesses but how it affects neighboring properties is of concern. The business is trying to get along with neighbors and neighbors have serious concerns about their view out of their windows and they believe they would have a hard time selling their home. Behrens stated that driveway placement is negotiable. The driveway is literally right out some resident's front window. Atty. Bauer asked if Behrens had a landscape plan. There is not a plan on paper. Behrens stated he would continue with white pines as planted behind his building. The driveway location is important to neighbors. Atty. Bauer stated the Town Board could address the plan for the property at a future meeting. This will be put on the next agenda.

11) Use of park for soccer events-BJ LeRoy was present and stated he has a girls 11 and under soccer team and want a greenspace for practice and he would like to donate a couple soccer goals for the property. He stated he is looking to use some of the greenspace at the Park and to put goals out there that would be semi permanent and would be taken down during cold months. He felt the northeast corner of the Park would be the best placement. The Park Committee does not meet until September. The Milwaukee Kickers Soccer Group is the sponsor of the program. The soccer area would not be reservable or rentable. **Motion Schneider, second Schwinn to allow the Milwaukee Kickers Girl's Soccer Group to place soccer goals in the Park for the season on a one year trial basis. Motion carried.**

12) Park rental liability-Atty. Bauer stated that there are cases that interpret recreational immunity and found that paying a recreational fee to use the park does not void the recreational immunity. At this time there is no need to do anything further. The Town can continue to charge a recreational reservation fee.

13) Graveling of parking lot at Park-The cost estimate of graveling the parking lot is \$19,525. It is the hope that this cost be split with Town, Fire Department and Park Committee. The Fire Department has not made a commitment to their portion. This will be put on the next agenda.

14) Ordinance amendment re: weight limits on roads-Residents of Koehler Drive were present and wondered if there is a weight limit on the roads that would prohibit the semi's from going through the Koehler Drive residential area. Not only construction equipment but also commuting semi's are going through the residential area and it is getting dangerous when the large trucks and semi's can't make the corners and don't share the road. It was noted this is not a designated detour. People found the short cut and are using this route even though it is not the designated route. Once the Eisner Avenue corner is opened the traffic will be able to travel through the corner, which is expected to be by July 1. Atty. Bauer will look at making the ordinance a more permanent fix for prohibiting semi's. Blashka will check into renting a sign showing speed. Atty. Bauer will look at an ordinance for the next agenda.

15) Appointment of Board of Zoning Appeals Member-**Motion Schwinn, second Gumm to appoint Tom Allee to**

**fill the term of LaMont Meerdink (thru 1-1-15) on the Board of Zoning Appeals. Motion carried.**

16) Mueller Road Drainage-Blashka obtained a price estimate from LA Equipment Services for the Mueller Road drainage proposal. It would need to be dry to begin any drainage in this area. **Motion Schwinn, second Schneider to approve the proposal for the Mueller Road drainage project for \$9,750 off Enterprise Drive and Mueller Road, as soon as the conditions permit. Motion carried.**

17) Intergovernmental Agreement re: Maintenance of Rangeline Road-Supervisor Schwinn met with Town of Sheboygan Falls Chairman Bauer and they will meet to discuss further and bring ideas back to the Town Board. Blashka stated that there are areas of pavement that need to be addressed as they are really in the Town of Sheboygan Falls and he asked if this should be held off for another month. This will be placed on the next agenda.

18) Contract for website design-**Motion Schwinn, second Gumm to approve the contract with Tyler Free for website design in the amount of \$2,750 with annual maintenance at a cost of \$450 per year. Motion carried.**

19) Payloader prices-Blashka explained the proposal and Jason of Airing Equipment was present. The loader that was presented last month was sold, so another similar piece of equipment was proposed. This piece of equipment has less than 10 hours on it. Also looked at was lease to purchase information. The Town is able to buyout the lease at any time and there is no prepayment penalty. The payloader is used for recycling, loading gravel, drifting, plowing, pulling snowplows and firetrucks out of the ditch (outside firm is \$500), etc. The Town would have to contract out for busting roads open and pulling other vehicles out of the ditch in winter. The current equipment is 20 years old. Blashka had enough funds put away to purchase this piece of equipment and the funds are now down to \$39,900. Money that was put into the fund was used for the purchase of a fire truck and other equipment over the years. Money is tight and funding was an important issue. Hein asked what the availability if the Town doesn't take action now. Jason of Airing stated that there would be a 4-5% increase to jump to a 2013 model. This will be put on the agenda for the July 16<sup>th</sup> meeting for a decision.

20) Joint Finance Committee Actions on State Budget-New operations will possibly be allowed depending on the language approved. The Town can also do a referendum, but there is concern of the likely hood that a referendum would be passed. New debt could also levied. Everyone is now aware of the issues.

21) Windmor Subdivision & Town & Country drainage issues-No major rain events were reported by Atty. Mayer and he did not see any noticeable impact. Mayer did not receive any phone calls from Town & Country. Mayer is trying to schedule a meeting with Majerus regarding a presentation and educational forum for property owners to plant rain gardens and purchase rain barrels. Guy Miller felt if this was not mandatory to put rain gardens in when they constructed homes and some action should be taken to force the issue. Mayer stated they are working with voluntary compliance. Hein asked the percentage of compliance and Mayer did not know. Mayer stated there is every intention of complying with the stormwater compliance plan. Rain barrels and rain gardens are the elements of the plan that were not fully implemented. Guy Miller asked that National Exchange Bank also force the documents to be signed on the sale of land explaining the compliance requirements. Guy Miller stated the problem exists near No. 2 and No. 3. Guy Miller asked what the Town Board is going to do if the runoff continues from the subdivision and asked if home permits could be stopped. This will be put on the next agenda.

22) Noncriminal Forfeiture Schedule-This will be put on next agenda.

23) Lion's Fest Temporary License for July 12 & July 13, 2013 and waiving of fees-**Motion Gumm, second Schwinn to approve the Lion's Fest Temporary License and waiving the fees for July 12 & July 13, 2013. Motion carried.** Neighbors commented on the noise level of the clean-up and asked that they keep the noise levels down.

24) Personnel Policy/Employee Handbook-Policy book has gone through Sanitary District #2 & #3 and the military paragraph has been updated. It will be ready for review one final time then recommended for approval at the next meeting. This will be placed on the next agenda for final approval.

25) 2013 Cigarette License for 4024 Highway 42/Krishna Petroleum-**Motion Schneider, second Schwinn to approve the 2013 Cigarette License for 4024 Highway 42/Krishna Petroleum. Motion carried.**

26) 2013 Class A Fermented Malt Beverage License for 4024 Highway 42/Krishna Petroleum-**Motion Wagner, second Schwinn to approve the 2013 Class A Fermented Malt Beverage License for 4024 Highway 42/Krishna Petroleum. Motion carried.**

27) 2013/2014 Cigarette Licenses-**Motion Gumm, second Wagner to approve the 2013/2014 Cigarette Licenses as attached. Motion carried.**

28) 2013/2014 Liquor Licenses-**Motion Schwinn, second Gumm to approve the 2013/2014 Liquor Licenses as attached. Motion carried.**

29) 2013/2014 Operator's Licenses-**Motion Gumm, second Wagner to approve the 2013/2014 Operator's Licenses as attached. Motion carried.**

30) Conditional Use Permit for Saunders property at 3828 Superior Avenue-The conditional use expires 7-1-2013. The Clerk sent a certified letter to the property owner at 3828 Superior Avenue asking his intentions and informing him the Town Board will review the permit at this meeting. Saunders stated he sold his home and has not sold the property. Saunders stated he intends to continue to do whatever he is doing until the property is sold. Saunders stated he lowered the property another \$100,000. **Motion Schneider, second Wagner to extend the conditional use permit for the Saunders property at 3828 Superior Avenue for one additional year, expiring 7-1-2014 with the same conditions as previously approved. Motion carried.**

31) Fence along Highway 23/City right-of-way-Hein was contacted by the City of Sheboygan Engineering Department regarding the fence that is 2 blocks long that is in the City right-of-way. The State is telling the City to fix the fence or take it down in 3 weeks. There are Town properties along the road and the Town property owners want the fence up and not removed. Hein asked if the City would give the authority to maintain the fence. Schwinn stated that it is not the Town's fence to maintain. The fence was put up in 1978 due to noise levels. Now the State is saying the noise levels are not high enough to warrant a fence. Mark Leibham from Sheboygan County had the State in and the noise decibels do not warrant the fence and that is why the State WDOT is not mandating the fence. The cyclone fence is State owned. The wood fence is what the Town put up and now the City owns. Everyone agreed the fence as it is doesn't look good. **Motion Schneider, second Gumm to fix the fence at Town expense assuming permission from the City of Sheboygan is granted to do the work on their property. Aye-Hein, Schwinn, Schneider, Gumm. Nay-Wagner. Motion carried.**

32) Eisner Avenue detour and additional traffic on Town roads-Lots of calls are being received regarding the speed and unofficial detour route. A digital speed sign will be checked into.

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

34) Correspondence-The correspondence was read into the record and filed.

f-Scott Lope was present regarding his letter and he would like to come up with a shooting site for the safety of shooting fireworks at a safe property that he feels would eliminate problems. He showed layouts of shoot sites, safety zones and observation areas. He stated he has talked with Sheriff Priebe and the City Fire Chief and he is trying to find a safe shooting site. Lope stated he would take care of liability per State Statute 167.10 and would operate the site the day before, day of and day after the 4<sup>th</sup> of July. He is talking to Mr. Beaudry regarding property in the Town of Mosel. There would be no sales of fireworks at this location. He would have a fire truck at the site during the shooting and would also require police presence at the shoot site. Has not talked to the Police Chief yet for his opinion. He has two possible shoot sites in the Town of Sheboygan. Hein stated this would not eliminate the problem of shooting the fireworks off in the City as he would still have his tent sales at other locations. Atty. Bauer stated this is a land use issue and would require a hearing. Schwinn stated that he has concerns about having fire department and police presence. Schneider asked if there is a charge to discharge fireworks, which Lope said is being calculated. Hein stated that Town will need to know where Lope wants to have these sites before they could comment further.

d-Town not interested in 2023 No. 38<sup>th</sup> Street. **Motion Gumm, second Schwinn to send a letter to the owner stating that the Town is not interested in purchasing property at this time. Motion carried.**

c-Maywood Ride-**Motion Gumm, second Schwinn to authorize the constable to attend the event. Motion carried.**

#### **Closed Session**

The Town of Sheboygan Town Board may convene into Closed Session pursuant to Section 19.85(1)(e) for the purpose of deliberating or negotiation the purchase and sale of the Green Meadows Subdivision Outlots and pursuant to Section 19.85 (1)(c) of the WI Statutes 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.

**Roll call vote to go into closed session. Ayes-Hein; Schwinn; Schneider; Wagner; Gumm. Nays-None. Motion carried.**

35) Discussion/Action - Town owned land Green Meadows Subdivision Outlots

36) Discussion - Employment Issues

**Open Session**

The Town of Sheboygan Town Board will convene in Open Session to make decisions on Closed Session items.

**Roll call vote to go into open session. Ayes-Hein; Schwinn; Schneider; Wagner; Gumm. Nays-None. Motion carried.**

No action was taken regarding Closed Session items.

37) Discussion/Action - Dairyland/County LS Proposal. Hein stated that he had a meeting with Mosel and the County Highway Commissioner a couple weeks ago. Hein read language regarding the proposal from Leibham. The proposal would have the Town take over County LS and it would become a Town road. A State grant to pay for ½ of road would be available. Mosel would have to pay \$1,000,000. Roads would be in new shape when turned over to the Town. All municipalities would have to be in agreement with this proposal or it won't happen. The Town cost would be about \$200,000. The levy limit and fees are capped and the Town asked how this is expected to happen. Hein will attend the meeting on Monday to gather more information. **Motion Gumm, second Schwinn that the Town Board support the concept of Dairyland Drive and County Road LS and authorize Hein to attend future meetings and get details. Motion carried.**

38) Adjourn-**Motion Gumm, second Wagner to adjourn the meeting at 8:40 pm. Motion carried.**

Minutes recorded by Cathy Conrad, Clerk