

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, July 17, 2018 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, July 17, 2018 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 Dan Hein. The following were also present at the meeting: Supervisors Jim Schwinn, Char Gumm, John Wagner, Alexandra Nugent, DPW William Blashka and Clerk Cathy Conrad.

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

DANIEL W. HEIN, CHAIRMAN

JAMES R. SCHWINN, VICE-CHAIRMAN

CHAR GUMM, SUPERVISOR

JOHN WAGNER, SUPERVISOR

ALEXANDRA N. 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 and introductions of Board members 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 July 17, 2018 as presented. Motion carried.**
- 4) Approval of Minutes-**Motion Gumm, second Nugent to approve the minutes of June 5, 2018 and June 19, 2018 as presented. Motion carried.**
- 5) Update on railroad repairs-Atty. Bauer stated that Oliver Bauer had a letter in the packet regarding the railroad order based on the parties stipulated agreement from the hearing. The railroad has replaced the south culvert and the north culvert is yet to be cleaned out. The railroad stated that their people inspected and did not think it needed to be cleaned out. The order also had one direction to the Town regarding cleaning out the right-of-way. The railroad Commissioner does not have jurisdiction to order the Town to do anything as the original stipulated agreement did not state this. The order is being reviewed by the Judge and the order is complied with. Thiel stated the area is dry on one side of the culvert and wet on the other so there is definitely something inside that needs to be removed. Holtan and Blashka inspected the area last week and it was agreed that there is about 8" of debris in the north culvert that needs to be cleaned out. Bauer filed a final objection and will continue to work with the railroad attorney. If this does is not productive the Town will ask the Commissioner to hold the railroad in contempt for not complying with the railroad Commissioner order. This will be placed on the next agenda.
- 6) Purchase of land on Main Avenue-Hein stated that the property to the north and south of this parcel is in the City and there is no advantage to the Town to purchase this parcel. **Motion Schwinn, second Wagner to deny the request to purchase the Gottsacker parcel on Main Avenue. Motion carried.** The Clerk was directed to send a letter to Gottsacker regarding the Town having no interest in purchasing this parcel.
- 7) Attendance at Safety Training-Blashka asked for permission to send 2 public works employees to excavation safety training to be paid through the Town and Sanitary Districts will also each send one employee. **Motion Gumm, second Wagner to send Steve Norton and Tod Holfeltz to the upcoming Excavation Safety Training on October 2, 2018. Motion carried.**
- 8) Sign Ordinance amendment regarding LED lighting-Blashka initiated the discussion due to sign companies coming into the County and updating their billboards. Bauer explained that there are different levels of LED lighting for sign boards. The Town needs to discuss what level they wanted to allow. Atty. Bauer drafted a sign ordinance change that would be similar to the City of Sheboygan's. This item will be put on the next agenda.
- 9) Residential debris disposal-The recommendation was to send a letter to Scotty to notify him that for budget purposes the Town would be willing to continue the contract at the same rate. **Motion Wagner, second Schwinn to direct the Clerk to send a letter stating the 2019 contract will remain at same rate for 2018. Motion carried.** The Clerk was directed to send Scotty a letter stating that this will be discussed at the August 21 meeting due to budget issues.
- 10) Town Hall quotes for HVAC-AECom will review the quote received and will report back for the next meeting.
- 11) Ordinance Enforcement Officer Reports-Officer Heronymus was not present and no report was filed.
- 12) Operator's Licenses-**Motion Wagner, second Gumm to approve the operator's licenses for Tammy Neilsen, 1803 Alexander Ct. Sheboygan for Kwik Trip; Josh Miller, N6829 Charter Rd. Sheboygan, Charles Girke, 2423 Silver Leaf Lane, Sheboygan and Lesley Nicholas, 721 N. 5th St. Sheboygan for**

Town & Country; Bradley Olson, 707 Goldfinch Lane, Howards Grove & Nicole Lea Williams, 2304 North 29th St. Sheboygan for Superior Discount Liquor/Petro; Sabrynn McMurray, 1506 N 35th St., Jennifer Schmidt, 1524 A N 8th St. and Colin Mauthe, N5304 Hwy. 45th South, Fond du Lac for Pine Hills. Motion carried.

- 13) Review of Permit fees for roof replacement-Due to a challenge by a condo association this was brought up for clarification. **Motion Schwinn, second Wagner to confirm and ratify the Town practice of \$75 per address for roof permit or the lesser of the commercial rate and authorize the Clerk to notify the resident. Motion carried.** The ordinance will be amended for clarification at the next meeting.
- 14) Waived road assessment for parcel 59024344811-This parcel was sold to the Steinhardt's. Several years ago when Enterprise Drive was installed there were construction and acquisition costs to acquire the right-of-way. This road was a significant collector road. The cost assessed to the property owners was on a per foot cost and for this parcel was \$51,000. Attorney Bauer stated that he is recommending waiving the assessment. **Motion Schwinn, second Nugent to recommended waiving the \$51,000 and release and authorize the Town Chairman and Town Clerk to sign all closing document. Motion carried.**
- 15) Status of 3822 Koehn Avenue-M/M Repinski complained that there were railroad ties used to construct a retaining wall by M/M Hersey at 3822 Koehn Avenue. Hein, Atty. Bauer, Nugent, and the Building Inspector were all contacted regarding the complaint. The Building Inspector wrote a letter with information from the state consultant indicating there was no State Code regarding this issue. Repinski stated that the odors are bad and are disturbing and the runoff will be dangerous to plants. Jackie Hersey stated the smell is not that bad, and Repinski's windows were open and they have pictures. Hersey stated she read that if they spray polyurethane on the railroad ties that may help with the odor, and Repinski may do that if they chose. The Building Inspector was also on site and stated there was no odor. Drager has informed the Town that Hersey's have done everything to be compliant and everything that they have been asked to do. Hersey stated they installed the downspouts and sump into a 4" pvc pipe to the ditch. Repinski commented that they have trouble with the drainage going to the street and onto the street. The right-of-way and the road is all in the City. Hein stated that there doesn't seem to be any issues that the Town needs to take action on at this time. Repinski commented about the rules of retaining walls and if he could build a 6' high retaining wall around his property. Repinski also commented the Town should reimburse them if their plants died from the toxins in the railroad ties and if the EPA can regulate this then why can't the Town. The Town will take no further action as Hersey is compliant with this building project.
- 16) Reports-**Motion Gumm, second Wagner to approve the reports as presented. Motion carried.**
- 17) Correspondence-The only correspondence was from the Sheboygan County Board of Adjustments for an upcoming meeting regarding 620 Oak Tree Road.
- 18) Adjourn-**Motion Wagner, second Gumm to adjourn the meeting at 6:15 pm. Motion carried.**

Cathy Conrad, Clerk