

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, August 16, 2016 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, August 16, 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, James Schwinn, John Wagner, Dan Olson, 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 called 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 Wagner, second Gumm to approve the agenda for August 16, 2016 with item #12 being removed. Motion carried.**
- 4) Approval of Minutes of August 1, 2016-**Motion Schwinn, second Wagner to approve the minutes of August 1, 2016 as presented. Motion carried.**
- 5) Conditional Use Permit for Keller Structures related to Delasanta Office, 4006 Hwy 42-Atty. Bauer stated that the Plan Commission recommends approval of the Delasanta Office. **Motion Schwinn, second Gumm to approve the Conditional Use Permit for the Delasanta Office at 4006 Hwy 42, as presented and as recommended by the Plan Commission. Motion carried.**
- 6) Countryside Manor request to close Kadlec Drive-**Motion Gumm, second Olson to allow the closing of Kadlec Drive on August 24, 2016 from 3:30 pm to 7:30 pm for an outdoor community concert. Motion carried.**
- 7) Sanitary District Commissioner/alternate position-**Motion Gumm, second Wagner to approve the appointment of Damian Nevers to the Sanitary District No. 2 & No. 3 Alternate position. Motion carried.**
- 8) Windmor Subdivision master site grading plan & rain gardens-There is one resident that has a rain garden and rain barrel as required. Blashka stated that Mike Werner called and wanted to run downspouts to the ditch or the center of the property. AECOM can review the covenants and master site grading plan and see what recommendations can be made to enforce the original intention. On new homes the Town can hold the \$3,000 deposit until the rain gardens are installed but what can we do to enforce those that were existing before the Town required the \$3,000 deposit. Blashka will get all information to AECOM and have Tom review each lot to see what needs to be done and this item will be put on the next agenda.
- 9) Complaint of John Green re: Superior Lawn & Garden-John Green was present and stated they continue to have problems with Superior Lawn & Garden and the large mounds of dirt being close to the property line and dirt blowing around. Similar operations are located on the highway, or in the business park, they are not in residential neighborhoods. Green feels Behrens is not a good neighbor and the mound of dirt is a nuisance. An employee was out sorting through the rocks and shaking off dirt and he listened to the beeping of the back-up trucks for 3 days. The Constable was called in on this issue and it seems to be resolved. Green stated that the parking lot is an issue and now there is landscaping equipment that is parked overnight right along the property line. Green stated he looked at the ordinances and asked about the zoning ordinances and the storage of equipment. Green stated that there are pallets of lannon stone along the lot line and he feels this is a detriment to his property. Hein asked what would make him happy-his reply was to plant a tree line from one end of the property completely to the end of the lot line; 2) the trees could die as he doesn't water them; 3) all outdoor storage should be inside of a solid fence. Green asked that the trees be replaced if they die in a year or two and will the Town enforce this. Hein stated that the trees in the tree line will need to be replanted if they die.
- 10) Complaints/grading certification regarding Fale parcel at W1975 West Main Avenue-Atty. Bauer sent a letter regarding bringing the property into compliance. AECOM stated the grades are in compliance but he may need to remove the additional culvert. Discharge of sump pumps needs to be 6' from property line. Hein read from an e-mail that Fale feels that he is being harassed. The neighbor stated that off street parking needs to be 5' from the lot line. Blashka stated that he measured and there is 5'10" from the property line and the space is landscaped. AECOM stated that he believes this is impervious surface and

would qualify as greenspace. AECOM will check if the culvert is removed and let the Town know. Downspouts should be moved to discharge 6' from the property line. **Motion Olson, second Schwinn to release the hold on the building permit for the detached garage upon moving of the downspout and the culvert. Motion carried.**

11) Ordinance Enforcement Officer Reports & Ordinance Update regarding authority & citations-Officer Cram and Heronymus were both present regarding the sexual offender registry violation. Atty. Bauer explained that he sent a letter to the sex offender informing him that he was not a resident of the Town at the time of the offense so he did not reside at this premises and was asked to vacate the premises by August 31, 2016. Bauer was asked why the residents were not notified that he lived there and Bauer explained there was no bulletin as the severity of the crime was not at that level, he served his time and is not on probation. The Chairman ordered the Atty. to send a letter enforcing our ordinance. Bauer stated that he can petition or appeal to the Town Board for an exception to the rule and plead his case. The Town Board then would have to make a decision. Neighbors received something in their mail box and they are quite concerned. If he does not move the Town will have to get a Court Order/Injunction to force action. Neighbors asked how this would be handled if he doesn't move. This will be placed on the September agenda.

Heronymus spoke of the complaints about unlicensed vehicles and unkempt properties and he visits the properties and asks that they be cleaned up, of which some comply and some don't. There was a break-in at the front door of St. Vincent DePaul over the weekend. There was an event at Blind Horse this past weekend and Wednesday evening there was an event and there was parking on Superior Avenue and several vehicles were given tickets on Wednesday by the Sheriff's Department. Sheboygan County Highway Commissioner can allow parking and the signs are bagged on Thursday and then removed on Monday. The constables and neighbors are quite confused by how this is being handled. Chairman Hein will call Greg Schnell tomorrow morning. Hein stated that Blind Horse is not able to accommodate the parking for the business, as successful as it is.

12) Waive Park Rental Fee for Fire Investigation Unit Gathering-This item was cancelled by the Fire Chief.

13) Paving of Rangeline Road, Playbird Road, Woodland Road-Woodland Road is all surveyed and design sheets should be started next week.

14) Municipal Credit Card-**Motion Gumm, second Schwinn to switch the Town Credit Card to a MasterCard through Kohler Credit Union. Motion carried.**

15) Update on Retail Coach development plan-Bauer stated there is a meeting Thursday with St. Vincent DePaul to discuss their property. A developer has been approaching various properties along Highway 42 regarding the potential to sell their property. Hein was in contact with Sam's Club legal counsel regarding building but they have delayed the project until next year due to the bidding costs that were received earlier this year.

16) Entrance signs & Town logo-6 logo drafts were designed and shown with different fonts. 6b with no circle and spread out like 4a is what was chosen. This will be placed on the next agenda

17) County changes to tax collection & fees involved-Information was shared with the Board about proposed changes and charges to the tax collection program this year. The Town Board was not in favor of staff doing the collection with additional costs over what has been paid in the past. It was recommended to have a letter drafted and sent from the Town Board to the County Finance Committee and County Treasurer regarding the proposed changes regarding the fees.

18) Room Tax Changes-Atty. Bauer talked to the Chamber of Commerce and explained that the change was initiated by the hotel and lodging industry due to some areas of the State not using the money appropriately. Now a special tourism entity or a commission would oversee the operation of tourism promotion and development. The Chamber of Commerce operates through Tourism Board and that Board

is being replaced by a Commission with 3 City members, 2 hotel reps, and 1 Town rep. The City and Town need to work out an agreement as to how this is going to work. We have to make a change and City is out in front and we spent \$54,000 and will be very similar to what we are doing right now. The Commission will contract with the Chamber to oversee the operation of tourism and promotion. The consensus of the Town Board was to participate. Bauer will contact the City regarding how this will progress. This will be put on next agenda.

19) Landfill Gas Monitoring Report-The individual unit in the residential home was shut off and the unit will stay there but will not be used. The owner can also convert this unit to radon if she wants to use for that. **Motion Wagner, second Gumm to approve the landfill gas monitoring report as presented. Motion carried.**

20) Purchase of Bucket Truck-Hein asked if the Town rents a bucket truck now. Blashka replied that the Town does not and has relied on the County in the past and the County has gotten rid of their bucket trucks due to age and maintenance and they did not replace them. Blashka commented that he can get a rental from a company out of Milwaukee for a monthly fee. There are lifts that can be rented from Grand Rental but they need to be disconnected and set up. It was suggested that we rent one when we need one rather than buy one. Training will be required. **Motion Wagner, second Gumm to approve the rental of a bucket truck as needed. Motion carried.**

Tim Winkel stated that he thinks that the Town should consider contracting with a private company such as Asplundh as they can come bi-yearly or on a similar basis.

21) Operators Licenses for 2016/2017-**Motion Gumm, second Wagner to approve the operator's licenses for Hunter Neils-Hwy 42 Mobil Station; Benjamin Beaverson, Theodore Osmundson, Jeffrey Wriedt-Pine Hills; Roanda Maldonado, Diane Bushman-The Blind Horse; Christine Janey & Jennifer Thomas-JBee's Silver Dollar. Motion carried.**

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

23) Correspondence-Supervisor Olson stated that he and Blashka went over to Long Acre Road (Garry Schaal) this is a delineated wetland area and he bought some equipment and started ditching his own ditch through the wetland. Blashka stated the drainage system is working properly, though the manhole was lifted and grass growing underneath. Hein suggested that a letter be written to the property owner that he has no permission to excavate, work on or connect to the storm sewer and any damage done would be his responsibility. **Motion Gumm, second Wagner to write a letter to Schaal. Motion carried.**

The Shadybrook Lane resident with several animals has not yet come in for a Conditional Use Permit to house 8 plus animals. This issue was referred to the Constable.

Election Update was provided regarding the November Election and the need for the entire firehouse to be vacant by 10:00 am on Monday, November 7, 2016 through 9:30 pm on Tuesday, November 8, 2016. This includes all vehicles and Orange Cross Ambulance.

24) Adjourn- **Motion Wagner, second Gumm to adjourn the meeting at 7:05 pm. Motion carried.**

Cathy Conrad, Town Clerk