

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
TUESDAY, August 21, 2018 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, August 21, 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, 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

**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 Schwinn to approve the agenda for August 21, 2018 as presented. Motion carried.**
- 4) Approval of Minutes-**Motion Wagner, second Gumm to approve the minutes of July 17, 2018 as presented. Motion carried.**
- 5) Conditional Use Permit for Kohler Credit Union property at the corner of CTH Y & CTH O for parking-Atty. Bauer stated that Plan Commission recommends approval for the Sept. 22 and December 1 dates. **Motion Schwinn, second Wagner to concur with the Plan Commission and approve the Kohler Credit Union property at the corner of CTH Y & CTH O for parking only for the events of September 22, 2018 and December 1, 2018. Motion carried.**
- 6) Vanguard Weather Siren-Blashka stated that the weather siren on Vanguard Drive has stopped worked and all sirens were checked by American Signal and the Vanguard Drive siren is burned out and not working. A new head is \$7,000 and a refurbished one is \$3,800 for a total of \$5,992 including installation. The warranty is very limited on new vs. refurbished. **Motion Schwinn, second Wagner to purchase the refurbished unit and install for a cost not to exceed \$6,000. Motion carried.**
- 7) Ordinance Enforcement Officer Reports-Officer Heronymus was present and the only issue was that Rath is having a trespassing issue regarding disc golf players at Firehouse Park. No violations were observed and no crop damage was observed. Rath would have to contact the Sheriff's Dept. regarding violations. Hein stated that it was almost 1 year without complaints and asked why this started up again. Signs are posted. Rath asked for the Town to put up a fence. Gumm stated that he contacted her and she suggested that he put up a fence as they already have moved some of the baskets and they are not moving any other baskets. Hein and Gumm both agreed that they feel he should put up a fence if this was what he wanted. It was felt the deer do more damage to his crop than the discs. Rath rents the land to a local farmer to crop. Blashka will take a look and get back to the Town Board regarding planting possible trees. It was felt the deer would only eat the arborvitae.
- 8) Ordinance amendment clarification re: per address cost for roof permits & commercial rates-**Motion Gumm, second Wagner to approve the ordinance amendment to 11.05 regarding clarification for the cost for roof permits and commercial rates. Motion carried.**
- 9) Ordinance amendment clarification re: accessory use-**Motion Wagner, second Schwinn to clarify that the total of 1,500 sq. ft. is inclusive of all buildings. Motion carried.**
- 10) Ordinance amendment change re: commercial repair fees for plumbing-**Motion Schwinn, second Wagner to reduce the fee to \$75 per administration and \$35 per inspection based for small commercial plumbing permits based on the plumbing inspector's determination. Motion carried.**
- 11) Ordinance amendment change re: LED billboards-Zoning Ordinance would need to be referred to the Plan Commission for publication. **Motion Gumm, second Wagner to refer the LED billboard ordinance to the Plan Commission for a public hearing and recommendation at the next scheduled public hearing. Motion carried.**
- 12) Ordinance amendment changes re: Erosion Control-Blashka explained that NR216 Ordinance is out-of-date and the ordinance recommendation by AECOM is proposed to adopt the current WDNR requirements for erosion control. Bauer will review. No action was needed at this time. This will be put on the next agenda.
- 13) Ordinance amendment changes re: Stormwater Management-Blashka explained this ordinance is also out of date and has been recommended for updating by AECOM to comply with WDNR requirements. Bauer will review. No action was needed at this time. This will be put on the next agenda.
- 14) Update on railroad repairs-Herb Koene was present and he and Atty. Bauer have a conflict and therefore he requested an investigator to come. Koene is not happy and there has been no work on the easement and no water flow. Koene did not feel either culvert is placed appropriately to flow. Pictures were distributed showing

the debris in the culvert. Koene went on in great detail that there were water drainage issues in this subdivision and someone should know where the easement is. Atty. Bauer stated that putting in a second culvert is not the railroads obligation. They have no legal obligation to put in another culvert. The ALJ issued a decision and on the 28th they need to look at the work that was done and the railroad may be ordered to make the repairs. Koene stated Bauer needs to sit down and work with them. Koene stated this area shouldn't be wet. AECOM stated that the stormwater runoff should not increase with the development and with 8 ponds there would not be an increase in the runoff. Bauer stated that this is a wetland area per the WDNR. Koene stated that sump pumps run almost constantly except in summer. Koene suggested installing a velocity flow meter to empty the water out. Koene stated that his dock floated away on him. It is a shallow bowl and it should be deeper. Koene felt the railroad should put in a second culvert. Hein stated that August 28th 9 am meeting will be attended by Koene, AECOM, Blashka and Schwinn. This will be placed on the next agenda.

- 15) Contract for residential green waste disposal-Scott Shaeffer was present and stated the letter he received stated the Town is happy with his services and states you want to continue your relationship with him at the same cost. That is his main concern and he can't look at this as a profitable situation for him. Residents ask when he is going to add concrete and he has had over 100,000 cars go through and this has done damage to blacktop and these costs dig into his bottom line. He has had over \$8,000 in costs. He would like to add more concrete to allow a second line. He pays \$380 per hour to have a chipper come in. He gets paid \$30,000 per year to take the waste and he can sell some of the product. He cannot afford to stick more money into this. He is proposing to increase costs from \$2,500 per month to \$2,750 per month. The other option would be to keep the costs the same and to fix a piece of blacktop or put in concrete. He feels there would be a cost for the Town to take it back. It was profitable but over the course of 10 years he is at a loss. Hein commented that Scott has requested changes to be made to the contract as he is now taking less than he did in the past and now charging for it. Hein asked how Town residents are differentiated from other area residents. Scott stated he can put in a card reader system or he can let a couple people slip through. Scott stated they do spot check people who appear to be new. He has turned people away though not too many. Scott asking for a \$250 per month increase after the 12-31-2018 contract for a one year contract. Hein asked if Shaeffer would extend a 2 year contract to which Scott stated no. Scott stated that since the Town changed its chipping policy to only 4 months per year it has increased his work load. This is one reason that Scott won't commit to any more than one year. **Motion Schwinn, second Wagner to increase the 2019 contract with Scotty Landscape from \$2500 per month to \$2750 per month for green waste drop-off. Motion carried.** Bauer will prepare a new contract. This will be put on the next agenda for signatures.
- 16) Status of 4905 Dennwood Drive-The drainage easement has been completed and the Town contract is complete. The house is vacant. Bauer stated that John DuMey has confirmed that he can create a second lot. There is concern of the 100 ft. setback from the bluff. The cul de sac is very hard to turn around for snowplows and garbage trucks. This would be the time to sell the property. It was suggested to market for \$425,000+. It was felt that the easement for the cul de sac should be put on the property and leave it as one parcel and market. Bauer will work on the easement and start on the marketing of the property. **Motion Wagner, second Schwinn authorize surveyor DuMey to establish the easement description for the cul de sac area. Motion carried.**
- 17) Preliminary Budget-Notices were sent out to each department with a due date by September 5 and a preliminary budget should be ready for the September meeting to make any changes for the October meeting with adoption in November.
- 18) Update on HVAC quotes for Town Hall-After review of the estimate from Professional Heating and Cooling it was determined that the estimate is more than twice the actual cost. It was suggested that the spec sheets be revised and sent out with spring dates in 2019 for completion. **Motion Schwinn, second Wagner to send out the requests for new quotes with spring date. Motion carried.**
- 19) 75 year anniversary of Fire Department-Schwinn stated the Fire Department will be celebrating 75 years of being established and he felt it was a department of the Town and the Town Board and volunteer staff should work together to get something put together. An open house was discussed. Biederwolf suggested possibly a parade of trucks from other departments, with a date to be

- determined and not combined with Safety Days or with Lion's Fest. This will be put on the next agenda.
- 20) Hosting Sheb County Unit WTA meeting-The Town is the host for the October 19, 2018 WTA meeting at 7:30 pm at the firehouse. Gumm was if she would prepare food, to which she replied she would. Wagner stated he will not be able to attend the meeting.
- 21) Worker's Compensation Rating Bureau Experience Modification Factor-The Worker's Compensation Rating stayed the same in 2018.
- 22) Additional Park Bench for Rudy Mahler Park near Eisner Ave-Gumm is aware of a 97 year old from Terrace Estates whose family has requested that a bench be placed at the park so that he has a resting place on his walk from Terrace Estates to Rudy Mahler Park. The family has donated \$300 towards the bench. The Lion's Club could be asked to donate the remaining funds to get the same type of bench that we have in the park. Gumm was asked to come up with donations so the Park has uniformity.
- 23) Excessive stormwater runoff in Green Meadows Subdivision complaint by Herb Koene-Hein stated that he believed that this was already talked about. Koene stated that he did not feel the Town addressed his concerns. Koene asked what study needed to be done. The company that designed the drainage is no longer in business. Bauer stated that the ponds were established with the development of the subdivision and the WDNR wetlands that were already in place. Koene stated the design engineers erred in the design. Outlot 6 is owned by everyone in the subdivision and Bauer stated that the owners are responsible, not the Town. It was determined that the railroad culverts will assist in the determination of drainage and if this doesn't solve Koene's problem that the homeowners will have to discuss.
- 24) Operator's Licenses-**Motion Wagner, second Gumm to approve the operator's licenses for Christian A Caberlla, 2612 Saemann Ave, Sheboygan for Superior Liquor; John R Posey, 411 S Lincoln Dr, Howards Grove and Nicholas Wolfert, N4310 Claver Ct, Sheboygan for Wal-Mart; MaryEllen Kasten, 2117 Woodglen Dr #3D, Sheboygan, Melissa A Julich, 1324 Camelot Blvd, Sheboygan and Erica L Torrison, 1014 Swift Ave, Sheboygan for Pine Hills Country Club. Motion carried.**
- 25) Development Agreement for Kohler Credit Union for parcels 349700, 349710 & 349680-Bauer reported that Kohler Credit Union legal counsel drafted an agreement allowing the homes until June 1, 2019 to remove and Bauer added a few other conditions. Kohler Credit Union will be coming back with another agreement. This will be put on the next agenda.
- 26) Reports-**Motion Wagner, second Gumm to approve the reports as presented. Motion carried.**
- 27) Resignation of Pam Dekker-Pam Dekker submitted her resignation as she is moving out of the Town. She has served on the Plan Commission and Revolving Loan Committee. **Motion Gumm, second Dekker to accept the resignation of Pam Dekker from the Plan Commission and Revolving Loan Committee and send a thank you letter. Motion carried.**
- 28) Resolution re: Town Transportation Funding-**Motion Schwinn, second Gumm to approve the resolution approving the Town Transportation Resolution. Motion carried.**
- 29) Demographic Services Center 2018 Preliminary Estimate-Report was filed.
- 30) Correspondence-Correspondence was read and filed.
- 31) Discussion/Action - Wal-Mart Store tax litigation
Closed Session The Town of Sheboygan Town Board may convene into Closed Session pursuant to Section 19.85 (1)(g) of the WI Statutes for the purpose of 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 is likely to become involved. **Motion all ayes to go into closed session. Motion carried. All ayes in open session. No action taken on Item #31.**

- 32) Discussion/Action - Engagement of Lawrence R. Nicholson as appraiser
Motion Gumm, second Schwinn to engage Lawrence R. Nicholson pursuant to August 21, 2018. Motion carried.
- 33) Discussion/Action - Employee Matters (employee wages, pollworker wages, hiring additional staff)
Closed Session The Town of Sheboygan Town Board may convene into Closed Session 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.
The Town Board did not go into closed session.
Motion Schwinn, second Wagner to approve wages as presented. Motion carried.
Motion Gumm, second Wagner to hire Kimberley Titel and Christine Steeb with a starting date of September 10, 2018. Motion carried.
Motion Schwinn, second Wagner to authorize the Fire Department to order 2 sets of turnout gear maximum of \$4,000. Motion carried.
- 34) Adjourn-**Motion Gumm, second Wagner to adjourn the meeting at 8:00 pm. Motion carried.**

Cathy Conrad, Clerk