

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
HELD ON TUESDAY, September 17, 2013 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, September 17, 2013 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 Ralph Schneider, James R. Schwinn, Char Gumm and John Wagner, 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 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

RALPH J. SCHNEIDER, SUPERVISOR

CHAR GUMM, SUPERVISOR

JAMES R. SCHWINN, SUPERVISOR

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 Gumm, second Wagner to approve the Town of Sheboygan Town Board agenda for September 17, 2013 with the addition of the Joint Sanitary District and Town Board meeting following the Finance Meeting on October 8th and next Town Board meeting October 15th. Motion carried.**
- 4) Approval of the Minutes-**Motion Schwinn, second Gumm to approve the Town Board minutes of August 20, 2013 as presented. Motion carried.**
- 5) Constable Reports-Constable VanDerPuy was present and did not have a report.
- 6) Conditional Use Permit for Crossfit Eastern Ridge, 3865 Enterprise Drive-Atty. Bauer explained that the Plan Commission held a hearing and recommended approval provided any new showers or any addition would have to have the approval of SD #2 & #3 and sign permit must be obtained. **Motion Schwinn, second Wagner to concur with the Plan Commission and approve the Conditional Use Permit for Crossfit Eastern Ridge, 3865 Enterprise Drive for rental use of existing space as a personal fitness training center. Motion carried.**
- 7) Conditional Use Permit for A Dog's Life Ruff Academy LLC for 3838 Enterprise Drive-Atty. Bauer explained that the Plan Commission held a hearing and recommended approval. Owners were present and explained the new name of the business would be "A Dog's Life Unleashed Clubhouse LLC" with the "Ruff Academy" being a part of this business. Schwinn asked about number of dogs at one time and balance between doggie day care being 15-20 dogs and indoor dog park being at 15-20 dogs with a maximum of 75 dogs at any one time. Waste disposal was also discussed and the owner explained that they have a system of trash bags and cans and will be disposed of as soon as they can, at every opportunity they can, and will be emptied more often than weekly and all containers will have tight lids. **Motion Wagner, second Gumm to concur with the Plan Commission and approve the Conditional Use Permit for A Dog's Life Unleashed Clubhouse LLC for 3838 Enterprise Drive as presented. Motion carried.**
- 8) Sign Permit for A Dog's Life Ruff Academy for 3838 Enterprise Drive-Atty. Bauer explained the Plan Commission recommended approval of the sign permit with no conditions. **Motion Gumm, second Schneider to concur with the Plan Commission and approve the sign permit for A Dog's Life Unleashed Clubhouse LLC for 3838 Enterprise Drive as presented. Motion carried.**
- 9) Conditional use permit for Dale & Kimberly Koepke for 3416 CTH Y-Atty. Bauer explained that the Plan Commission held a hearing and recommended approval of the Conditional Use permit for Koepke with conditions regarding excess accessory use structures listing buildings and that the 24' x 24' garage on site be properly installed on a cement slab by 9-30-14; that the granary building roof be painted silver by no later than July 4, 2014; and that that the buildings listed as building #1 (two small buildings of 6'1" x 12' and 10' x 18' for a total of 252 sq. ft. be razed by 12-31-2013 and properly disposed of. Plan Commission felt that it was important that a timeline be established so that the property could get cleaned up and the dates were agreed by Koepke as he is doing much of the work himself. **Motion Schneider, second Schwinn to concur with the Plan Commission and approve the Conditional Use Permit for Dale & Kimberly Koepke for 3416 CTH Y to allow the addition of a 24' x 24' garage with a permanent foundation by 9-30-2014 with the conditions that the granary building roof be painted silver by no later than July 4, 2014; that the buildings listed as building #1 (consisting of two small buildings 6'1" x 12' and 10' x 18' = 252 sq. ft.) be removed by December 31, 2103 and properly disposed of. Motion carried.**
- 10) Sign Permit for UAW Local 833 for 5425 Superior Avenue-Atty. Bauer explained that the Plan Commission recommended approval of the sign permit for an added message board to the existing sign, with no conditions. **Motion Schwinn, second Schneider to approve the sign permit for UAW Local 833 for 5425 Superior Avenue for an additional message board, as presented. Motion carried.**
- 11) Steve Klock of Glacierland Resource Conservation & Development Inc. was present to discuss invasive species. Aquatic funding by the Great Lakes initiative has helped stop the spread of aquatic invasive species from lake to lake. He works with lake associations and often looks for high school students who are looking to do volunteer work of 15-20 hours. He asked for assistance from riparian property owners and retired age individuals who also assist. Klock stated that invasive plant species were mapped by the Sheboygan County and it indicates the areas in the right-of-way that have issues. He stated they are always looking for volunteers. He came to the Town of Sheboygan to inform the Town that he can help with invasive species and ways to assist the Town. He offered to write an

educational newsletter article for the municipality. He needs at least one person who is willing to work within the township who has knowledge of roads and help knock on doors to get permission to contact owners and inform them of how to get rid of invasive species. He asked if the Town would host an open house or provide snacks or lunches to present information to the public. Public roadways have most of the growth areas. The timing of mowing of certain areas is important. He encouraged the Town Board to consider a budget for invasive species control. Hiring a private consultant is also important. There are funds in the Ozaukee County Land Trust to be shared with Sheboygan County. Money should be able to provide ground control for public lands. He stated he would need private property owner's permission for assistance to control invasive species on their land. He would also like the Board to establish a weed commissioner. This will be put on the agenda for the next meeting.

12) Jon Guntow of Sheboygan River Basin Partnership re: Schuchardt/Korman property asked that this item remain on the agenda for updates. Guntow was not present. Title searches have been received. Duchame called today to say he was closing this week and would be obtaining a building permit in the near future. The Clerk informed he would need proof of water and sewer services. Duchame said he would later merge and resplit the parcels to develop further.

13) Muth Company, 4221 High Tech Lane Economic Development Loan-Atty. Bauer updated the Board on the loan documentation process. There have been some questions regarding program requirements related to creating jobs and low to moderate income restrictions; and the loan agreement requires Muth to keep those low and moderate income jobs in place for 12 months. There were also business questions related to the right to distribute dividends beyond tax liabilities (profits) without getting the Town's permission and they want permission to obtain other indebtedness without getting the Town's permission along with permission to transfer funds and assets without notifying the Town. Atty. Bauer stated he discussed this with Pam Dekker of the Revolving Loan Committee. Community Bank also has loan agreement restrictions. The Town can accept or deny these requests from Muth. **Motion Gumm, second Wagner to table the Muth Economic Development Loan until next month. Motion carried.** This item will be placed on the agenda for the October meeting at which time funds will be disbursed.

14) Trash Disposal Service -A proposal by Advanced Disposal was reviewed. Hein has been working with Advanced and worked on a 5 year freeze after the current adjustment including the automated system cost increase and 2.5% increase for the last 5 years of the contract. A letter was received from Waste Management stating they could provide numbers by September 25, 2013. Schwinn suggested that the Town could discuss numbers as part of the budget process. If the Town were to bid services out the Town is tied to lowest possible price but the Town can look at other proposals. It was suggested to meet on September 24th at 5:15 pm to discuss. Hein will contact Waste Management re: deadline for obtaining a proposal. **Motion Gumm, second Schwinn to table this item until the September 24, 2013 meeting. Motion carried.**

15) Intergovernmental Agreement re: Maintenance of Rangeline Road-The Town is still waiting for contact from Town of Sheboygan Falls Chairman Steve Bauer regarding the agreement. Supervisor Schwinn will contact the Town of Sheboygan Falls Chairman for an update. This will be placed on the next agenda.

16) Changes to Election Equipment Update-Information from the Sheboygan County Clerk related to a potential change in election equipment was discussed. No action was taken.

17) Windmor Subdivision & Town & Country drainage issues-The outstanding invoice has still not been paid. The developer is not in compliance with the Town drainage plan and cost efforts (which were billed) related to these issues. Atty. Bauer suggested that because this was a compliance issue and because the drainage system is not in compliance and there has been no further progress on the drainage issues he would send a letter stating the Town will consider at their October meeting suspending all building permits until the drainage issues are in compliance and invoices are paid. The Board recommended Atty. Bauer proceed with a letter to Windmor Subdivision/National Exchange Bank & Trust regarding compliance.

18) Acceptance of Spring Court-Blashka reported that Gottsacker is working on putting in the remainder of the subdivision and Blashka is working on the road certification and right-of-ways less than 66' require a WDOT variance. Gottsacker has allowed only a 60' r-o-w on his submittals. A variance must be obtained from the WDOT. Blashka will try to obtain further information from the WDOT regarding this item. This will be put on the next agenda.

19) Town owned land Green Meadows Subdivision Outlots-There was nothing new to report. The Clerk reported she sent out letters to local developers with no response. Hein suggested two signs one on Playbird Road and one on Enterprise Drive be installed with an outline map of the area and lot sizes be posted along with the Town Hall phone number. Blashka will work on the signage.

20) Dairyland/County LS Proposal-A proposal was obtained from Greg Schnell, Sheb. County Highway Commissioner and shows LS will become a Town road and Dairyland becoming a county road. Senator Leibham was working on the project with a \$4.2 grant. The WDOT and the project stalled so Leibham has since worked to get a regular grant on fast track and that means the split would be less than the initial amount of 50/50 when the Town's portion was \$250,000 and is now down to \$112,000. Both roads would be redone and would be new roads. With this jurisdictional grant everyone must agree. The bridge will be brand new and the Town needs to make sure that it is in the Town's best interest to accept the bridge. The County will be doing the entire project. Blashka has concerns about the City of Sheboygan having full road right-of-way from Koehler to Blackstock and 200' from Jay Road going north. That is under the jurisdiction of the City and even though the County has jurisdiction until they give up their rights it then reverts to the municipality which is the City of Sheboygan. Atty. Bauer was directed to talk to the County Highway Department and Corporation Counsel regarding the jurisdiction. There may be a meeting required with Bauer, Hein, Blashka and the County. This will be put on the next agenda.

21) Operator's Licenses-**Motion Gumm, second Schneider to approve the operator's licenses for Samantha M. Schmidt, 3263 Main Avenue #202, Sheboygan for WalMart North; Jacob A. Mallmann, 1620A Division Avenue, Sheboygan for HWY 42 BP and Felipe M. Medina, 1615 No. 38th Street, Sheboygan for Superior Liquor. Motion carried.**

22) Matt Moeller request for No. 6th Street overlay-Moeller complained of a pothole area in front of his home. Moeller did not want a seam on the paved area that he paved in the right-of-way. The County proposal cost is over \$8,000 because they had to go further and much thicker. Blashka provided a verbal estimate to Moeller but Moeller thought it was too high. Finance Committee recommended that the Town would pay the \$4,000 amount and Moeller would have to pay the difference and if he would not the Town would only do their portion. The patch is approximately \$4,000 because of the deterioration. An annexation agreement would need to be signed for the road repairs stating that if annexed in 10 years Moeller must pay the Town back. A quick patch is \$400-\$500 which might only last 1-2 years. **Motion Schwinn, second Wagner to offer the property owner the option of a complete overlay including the extension with the property owner paying \$4,000 and signing a 10 year no annexation agreement or if he prefers not to accept these arrangements the Town will put only a short-term patch, with the resident portion to be paid before the project is done. Motion carried.**

23) Noncriminal Forfeiture Schedule-VanDerPuy commented that he would like to see a noncriminal forfeiture schedule for property nuisance issues to avoid Court costs, Court time and legal fees. VanDerPuy commented that he would like to see a schedule that could be followed for issuance of the citations with time allowed to be paid without processing through the Courts, allowing offenders a "second chance". The constable would like to process like Chapter 5.04 and parking tickets and he hopes property owners will cooperate if there is a plan in place. Atty. Bauer explained that an administrative citation is what the County uses and if not paid within 10 days and adds fees and if not paid in additional time then Town can make a decision to file with Circuit Courts. Ignoring the citation would cost additional fees. Bauer suggested maybe not rewriting 5.04 but possibly putting in an administrative section 1.00 with allowing greater flexibility. **Motion Schneider, second Wagner to authorize Atty. Bauer to put together a noncriminal forfeiture schedule. Motion carried.** Constable VanDerPuy will work on marking up the Public Nuisance Ordinance for the next meeting.

24) Preliminary Budget discussion & scheduling Budget meetings on
Tuesday, September 24, 2013 at 5:15 pm;
Tuesday, October 8, 2013 with John Smith with Finance Committee @ 4:00 pm and Town Board & Joint Sanitary Districts at 5:15 pm;
Tuesday, October 15, 2013 with Town Board @ 5:15 pm; and
Tuesday, November 19, 2013 Budget Hearing @ 5:15 pm.

25) Request of Sanitary District #2 & #3 to hire an additional employee-Sanitary District President's Flasher and Griffin were both present and requested that the Town allow the hiring of an employee 100% for the Districts and allow the Town to use this employee with a CDL for plowing. There is plenty of work for an employee dedicated to Sanitary District #2 & #3. Now partially Bill's hours and portion of part time hours are used for District work. The Sanitary Districts budget \$40,000 for wages and spent \$12,000 and their work is not getting done. The Districts want to get someone certified for water that is able to run the systems and is looking for a certified operator. Schwinn asked if the Town could possibly do this on October 8th meeting. Hein suggested doing interviews right away and not waiting. Hein suggested that the District presidents, Town Chairman, Public Works Director and possibly legal counsel schedule interviews. **Motion Gumm, second Wagner that the Board authorizes the Sanitary District No. 2 & Sanitary District No. 3 to interview and hire an individual for Sanitary District and occasional public works department work. Motion carried.**

26) LA Equipment Services re: Hwy J & No. 50th Street drainage pipe-Cost estimates from LA Equipment Services are \$7,250. The Finance Committee recommended acceptance of the price with additional grates on each end to childproof the large culverts. **Motion Schwinn, second Gumm to approve the estimate from LA Equipment Services for the Hwy J & No. 50th Street drainage pipe installation with grates and completion at a cost not to exceed \$8,200, with immediate installation. Motion carried.**

27) Wisconsin State Fire Chief's Association Meal Reimbursement-The Fire Chief submitted expenses for meals without receipts, with tips and alcohol, and at higher allowances than provided by the employee personnel policy. Amounts over the policy were not paid. The Finance Committee recommended that the Town Board make the reimbursement of the meals based on the rates in the new policy. **Motion Schwinn, second Schneider to make a reimbursement of the convention meals based on the new policy rates rather than the old policy rates. Motion carried. Motion Schwinn, second Schneider to rescind the motion. Motion carried. Motion Wagner, second Gumm to reimburse the Fire Department \$154.80 for the difference between what was paid earlier and what was asked for. Motion carried.**

The personnel policy will be reviewed at the next meeting to review meal reimbursement rates and what is allowable. This will be placed on the next agenda.

28) Reports-**Motion Gumm, second Schwinn to accept the reports as presented. Motion carried.** Gumm stated the Parks Committee would like a motion to accept the gazebo. **Motion Gumm, second Schwinn to authorize a letter be sent to the Lion's Club to accept the gazebo as a gift from the Lion's Club. Motion carried.**

Gumm reported that the Parks Committee recommended that if any large group uses the grounds for parking in areas other than the paved parking lots the group will be charged for damage to the lawn area that will be repaired by a landscaper.

Supervisor Schwinn reviewed the policy addendum regarding receipts and no further reimbursement will be made unless the invoice contains the name, address, phone number and date of the services performed along with an explanation of services performed. The Clerk was directed not to pay any further register or calculator tapes turned in without complete documentation.

29) Correspondence-The correspondence was read into the record and filed. The Constable will be in attendance at the Maywood event as previously authorized by the Town Board.

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.

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

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; Gumm, Wagner. Nays-None. Motion carried.

30) Employment Issues-Last month a wage range of \$18.00 to \$23.00 was established for full time public works employees. Ads were placed on the Town's website and the Job Service site. The Town Board will meet on September 24th in closed session to review wages for 2014 year.

31) Adjourn-**Motion Wagner, second Gumm to adjourn the meeting at 7:35 pm. Motion carried.**

Minutes recorded by Cathy Conrad, Clerk