

Village Board Meeting Minutes

Feb. 22, 2016

- 1) Call to Order and Roll Call. – *President Rath called the meeting to order at 6:30 p.m. with roll call:*

Present

Bob Benz

Stacy Gedman

Joe Hennlich

Roger Kaas

Joyce Laux

David Miller

Jim Rath

Absent

none

Others Present

Susan Williams, Clerk-Treasurer

Randy Friday, Administrator

Brenda Stumpf, Recreation Programming

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Benz moved to approve the agenda as presented. Hennlich 2nd. Motion carried unanimously.***

- 4) Approval of Minutes: Feb. 8 (Regular Meeting). – ***Benz moved to approve the minutes as presented. Miller 2nd. Kaas stated the following language under agenda item 6):***

Kaas noted local residents met with a DNR representative where the following options were discussed: (1) Submit a dam transfer request along with dam repair plans; (2) Transfer ownership to another entity that would submit dam repair plans; and (3) Dam removal was incorrect and those three options were given to the High Cliff Public Golf Course in a letter from the Wisconsin Department of Natural Resources.

And

Kaas responded 51% of all land owners, stated this was incorrect, in a Village there is no requirement of a petition, the Village Board may approve through resolution, they circulated a petition to demonstrate support. Benz and Miller agreed to the amendments. Motion as amended carried unanimously.

- 5) Registered Citizen Comments on Agenda Items.

Mary Pat Thomson, W4811 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) voiced concerns of the Lake District formation and the financial impact to the property owners adjacent to the pond. (after comments handed the Clerk a statement).

Ron Wenzel, N7751 Windswept Ln., Sherwood – regarding agenda item 8) and 15) a) voiced concerns of the Village taking over the pond, it's a personal situation not the Village's.

Phillip Zoellner, W4892 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) voiced seeing the value of the pond, questioning the watershed impact, concerned if dam is removed what will happen to the sediment.

Roger Kaas, W4840 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) voiced concerns as a citizen after stepping down from the Board Table, stated 2 options he had presented at the previous Village Board meeting.

Tom Sanderfoot, N8045 State Park Rd., Sherwood – regarding agenda item 7) and 14) requesting support of the developer agreement and rezoning petition.

Julianne Hargarten, W4841 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a)

Williams Hargarten , W4841 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) commented that the Village and property owners adjacent to the pond believed that it is an asset, requested the Village to protect it, would go along with lake district and financial responsibility. Albert Cole, W4860 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) stated has been enjoying the pond for 13 years, voiced concerns of the lifetime of the pond and if it will silt up and is waiting for the stormwater analysis.

Bill Rogers, W4716 Nature Ct., Sherwood – regarding agenda item 8) and 15) a) stated concerns of the Village jumping in when it is an issue between the golf course and the State.

Ned Marks, W4897 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) stated living on the pond for 26 years and if the pond is not part of the stormwater, cannot imagine the Village taking it on and concerned about having resources for police protection.

Dave Schmalz, W5884 Sweet William, Appleton – regarding agenda item 7) and 14) requesting support of the developer agreement and rezoning petition.

Martina Maki, W4887 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) stated seeing both sides of the situation, having great respect for all involved, questioned the title insurance identifying the ownership and concerns if the lake district is formed the maximum tax rates and special assessment that can be charged.

Ryan Propson, W4878 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) requested the Village to allow the pond to remain, recognizes both sides, concern that if golf course is allowed to remove that they will not maintain it in a natural state.

Question from audience if the pond would be subject to the Village Weed Ordinance. Kaas replied that it would depend on the zoning.

- 6) Presentation: FY2015 Annual Review and FY2016 Preview (Harrison Fire & EMS; Chief Kevin Kloehn).
- 7) Public Hearing: Rezoning Petition #2016-01: Request (T. Sanderfoot; W5409 Mielke Road) to rezone 15.09ac. parcel (N8045 State Park Rd.) from Agri. to R-1 (Single-family) per adopted Comprehensive Plan – Future Land Use Map (Note: Plan Commission recommendation to consider *Developer Agreement* in conjunction with RP; See 14a/b/c).

After three (3) calls for the public hearing Rath opened the hearing at 7:47 p.m.

Benz moved to close the public hearing at 7:48 p.m. Kaas 2nd. Motion carried unanimously.

- 8) Public Hearing: Residents/Property owners around ‘Palisades Pond’ requesting Village Board to consider creation of a ‘Lake District’.

Kaas stepped down to the audience from the Board Room table.

After three (3) calls for the public hearing Rath opened the hearing at 7:48 p.m.

Benz moved to close the public hearing at 7:49p.m. Miller 2nd. Motion carried unanimously.

Kaas returned to the Board Room table.

- 9) Report of the Community Development Authority (Feb. 8)

- a) Consider/Approve Resolution #01-2016 – Property Purchase (N407 Harrison Street).

Kaas reported the CDA held a special meeting to approve the purchase of the final part of the portion of the properties to be obtained for development along this side of Hwy 114/55.

Benz questioned the Board if the Wis. DOT expert Jeff Saxby was consulted about the Village proceeding with property purchases. Kaas stated the S.E.H. professionals were to give the Village a revised response to the DOT communications.

Benz requested Friday to follow up. Friday stated he would contact Jeff Saxby/Glen Van Warner from S.E.H. for an update.

- 10) Report of the Park, Recreation and Urban Tree Board (Feb. 17)
a) *Sell Attraction Tickets thru Wis. Parks & Recreation Assoc.*

Benz moved to approve the PRUT to sell attraction tickets through Wis. Parks & Recreation Association. Miller 2nd. Motion carried unanimously.

- b) *N.E.W.P.R.O. – Monthly meeting attended.*

Stumpf reported attending a recent meeting during which a topic discussed was development of “Friends” groups and Hennlich offered Stumpf his assistance.

- c) *Pickleball Survey in upcoming Newsletter.*

- d) *Easter Egg Hunt: March 26 (volunteers welcome).*

- e) *Amphitheater Entertainment: Summer schedule of events.*

Stumpf reported Sunday afternoon events at Wanick Park scheduled so far:

June 26th Miller and Miller (Juggling and Comedian Combo)

July 10th Randy Peterson (Children Guitarist and Entertainer)

August 4th Mr. Billy (Children Entertainer)

August 14th TBD

- f) *PT Employee Job Description: Update.*

- g) *Concession Stand: Sub-committee to review lay-out and products.*

Kaas informed Stumpf he had received calls in opposition to the trailer and the callers voiced concerns about detriment to local businesses and the cost versus income.

- h) *Donation Recognition: Continue discussion of ‘donation levels’.*

- i) *Future Meetings: Consensus is to move to 3rd Mondays, monthly.*

Kaas questioned Stumpf if the Farmers Market concept is being worked on and Stumpf stated she is continuing to gather information.

Question from audience commented that the soccer field at Wanick Park being too rough for play in the fall of 2015.

Benz complimented Stumpf on a good job.

- 11) Report of Village Officers.
a) Village President

Rath reported a resident commented on heavy equipment seen on along the Quarry ridge questioning if the Board or Staff heard of the work starting up when he was under the impression it was winding down/stopping.

Rath stated all Trustees/Board/Commission Members obtaining proper permitting when doing work at their homes.

- b) Clerk/Treasurer
i. Review/Approve financial reports.

Hennlich moved to approve the financial reports as presented. Laux 2nd.

Benz questioned the value exercising of the MCO bill. Friday stated the invoices reflect the contract and budget. Rath asked for the minutes to be checked.

Motion carried unanimously.

- ii. Operator's Licenses.
• Marissa Hintz
• Brittany Vandenberg

Benz moved to approve the license applications presented. Kaas 2nd. Motion carried unanimously.

Williams reported the auditor's fieldwork completed last week, the Village Election turnout was 16% and the last page of the packet was a communication from the Calumet County Bank about the pending merger with State Bank of Chilton.

- 12) Village Engineer: Project Update(s).

Friday directed Trustees to the schedule included in packet, with bid opening March 23, 2016, consideration/approval at the Village Board meeting March 28, 2016 and construction phase July – August.

Benz inquired of Friday the reason the settling occurred on Creekside Drive and Arbor Vitae Drive. Friday replied the compaction was not conducted properly.

- 13) Village Administrator: Project Update(s).

Friday reported attended Calumet County Local Emergency Planning Committee meeting last week and attended TIF conference the week before. Friday stated he will be reporting to the CDA on recent legislation/information.

14) Old Business:

- a) *Developer Agreement (Sanderfoot): Consider allowing extension of private water & sewer service laterals to N8045 State Park Road in conjunction with rezoning of said parcel from Ag. to R-1, Single-family residential (see 'b' and 'c').*

Friday reported to the Trustees the recommendation from the Plan Commission was for the Developer Agreement and Rezoning Petition be approved together.

Friday went through the Developers Agreement, highlighting some language. Friday stated if the Agreement and the Request are approved then the CSM would be withdrawn.

Hennlich asked for clarification on the use of the property if rezoned to residential if Sanderfoot is prohibited from making it his business. Friday replied at home businesses are allowed in the Village, but this property the answer would be 'no'. Rath questioned Sanderfoot if he would agree to stipulate to that and Sanderfoot agreed. Hennlich suggested adding that language to the Developers Agreement.

Rath stated his concern is the repayment plan for special assessment is stretched to 10 years which should be over 5 years.

Benz addressed Sanderfoot that he was an advocate for Village services. Benz reported being more comfortable with Sanderfoot keeping the property rural, will it become commercial someday or is it today.

Sanderfoot replied that the existing building would never house his business and the equipment on site is being used to finish the building.

Rath stated that the Board must be open and follow due process.

Benz directed the Board to the packet page which identified the adjacent property owners and asked if any property owners were present to contest the application. Benz inquired of Staff if all property owners were notified and Williams responded only those within the Village were.

No audience members indicated they were present in opposition to the application.

Benz moved on to the checklist the Plan Commission reviews with these type of applications and inquired as to who completed it. Friday stated the Plan Commission goes through it. Benz questioned the population density change effecting the Village services point, stating residential would be a higher use than agriculture.

Laux stated she believes Sanderfoot's current use has already impacted services.

Friday directed the Board to the projection on the Board Room wall of the additional language added to the Developers Agreement of:

Whereas, the Developer agrees they will not now or at any time in the future make this parcel or any portion thereof lying in Sherwood become their place of business, including any future heir's, successors, and assigns, notwithstanding any allowances for business(s) as allowed by the local Zoning Code.

Laux questioned Sanderfoot's intention of keeping equipment on the parcel outside the building.

Sanderfoot stated the equipment remains since the building is not finished, after the petition is approved services can be completed and a cement floor poured.

Hennlich moved to approve the Developers Agreement as amended and the RP #2016-01 as presented. Gedman 2nd.

Rath commented he was struggling with the 10 year repayment term, and his vote would be placed accordingly. Rath suggested if Sanderfoot would be willing to switch to the 5 year plan that is the only thing holding him up.

Sanderfoot agreed to change the language to 5 year repayment term.

Hennlich and Gedman agreed to the change of language in the Developers Agreement to 5 year term.

Rath called for a roll call vote: Benz – aye, Gedman – aye, Hennlich – aye, Kaas – aye, Laux – nay, Miller – abstain, Rath – aye. Motion carries.

- b) *RP #2016-01: Request (Sanderfoot; W5409 Mielke Rd.) to rezone 15.09ac. parcel at N8045 State Park Rd. from Agri. to R-1 Single-family zoning.*

Acted upon under 14) a) above.

- c) *CSM #2016-01: Certified Survey Map request to divide out 7.19ac. of 15.09ac. parcel along west side of State Park Road, adjacent to Mielke Road (Sanderfoot; 60-day extension thru April 30. (Note: 'Withdraw' with RP #2016-01 approval).*

Friday questioned Sanderfoot and Schmalz if they are in agreement to withdrawal of the CSM request and both verbally agreed.

- d) *State Park Estates IV – Drainage easement removal (Lots #110 thru 114; RBH Development – Requestor).*

Benz moved to approve the State Park Estates IV – Drainage easement removal (Lots #110 thru 114; RBH Development – Requestor, with the property owners paying all costs related to this request. Gedman 2nd. Motion carried unanimously.

15) New Business:

- a) *Resolution #02-2016 – 'Palisades Pond Lake District': (per Public Hearing) Consider establishment of Lake District for property owners between Spring Hill Drive and Escarpment Terrace, and Sundown Court and Palisades Trail.*

Kaas stepped down to the audience from the Board Room table.

Friday informed the Board the resolution in the packet included clauses which are not applicable for Villages, per UW-Stevens Point Professor who is charge of this for the State and with the Board approval will be removed.

Rath stated the neighborhood is in a situation through no fault of their own and this association gives them the opportunity to protect their properties. Rath commented that this solves the immediate need.

Friday reported Nick Vande Hey from McMahon the MS4 expert stated the reason why it is important to go through this process is that the other ponds in the Village were constructed with the subdivisions which were held to current DNR standards and this pond may not fall within those standards in its current condition.

Miller asked if anyone had looked at the original intent of the pond, it was not that size, it was a water hole on the golf course along the 15th fairway, when the golf course was reconfigured Frank Schneider decided he would develop building lots along the Southside of Spring Hill Drive and he doubled the width of the pond and it was 20 ft. deep. Miller stated there is a lot of information that is needed and wondered if there is a way to borrow time from the DNR.

Friday stated his understanding from Frank Schneider's lawyer was that it was a cold water trout pond and Spring Hill Drive was named from the spring at the bottom of the hill.

Miller inquired if the Lake District is formed will reluctant home owners be forced to pay those fees and Friday responded 'yes'.

Rath stated the options are the motion to create the Lake District, to deny the Lake District and to table.

Benz empathizes with the residents in the audience and has been an advocate of rural in the Village, understands the options and is leaning towards tabling the topic and wait. Benz stated concern with the DNR follow up and believes that a delay could happen. Benz read from a newsletter of a lake district from the property he owns in Langlade County.

Benz stated the information he received from Vande Hey (McMahon) was that the pond was not significant in our stormwater system and if he (Benz) had to make a decision today that is what he would use and if it be could postponed it may be a better decision.

Rath stated the Board's concern of inaction causing harm or action beginning the clock which could cause harm.

Kaas replied that he did not know what the DNR will do if there is no action taken and that they (DNR) gave the golf course the April 1st deadline.

Miller stated when he lived on the pond rain effected it by raising the water level until it filtered out.

Albert Cole commented that he believes the DNR would give the Village time.

Benz questioned the audience if they preferred the Board take action on the Lake District and audience members agreed.

Benz moved to approve Resolution #02-2016 – ‘Palisades Pond Lake District’: (per Public Hearing) Consider establishment of Lake District for property owners between Spring Hill Drive and Escarpment Terrace, and Sundown Court and Palisades Trail. Laux 2nd.

Friday asked if Board wanted the language related to towns/counties in the resolution be removed and the Board agreed.

Miller inquired if approving this resolution meant that the DNR is not being asked for more time. Rath replied he would disagree with that, the fact that it is established would not preclude them from granting more time since this is a commitment to take care of the problem.

Hennlich stated this is a much friendlier organization under this administration than it has been in the past.

Gedman asked if this was a motion to create the Lake District which proves to the DNR to resolve the situation in the hopes the DNR will back off on dates. Gedman stated if it is found to be part of the MS4 system then the option is the Village to take over. Rath replied this action is to only form the Lake District that way the people affected by this can organize to deal with it.

Friday questioned Kaas if this puts the Village in the position of leadership and Kaas replied ‘initially’. Kaas stated eventually it would transition to a resident Board of Commissioners. Friday stated the Board should be advised. Friday stated the comment made by Rath of the costs being shared equally by the members of the district that it was Friday’s understanding the cost sharing was based on property values involved. Friday reported the Village properties do not have assessed values established. Friday also reminded the Board that in addition to 2.5 mil per 1,000 assessed value the district has 2 types of special assessments that can be charged.

Rath called for a roll call vote: Benz – aye, Gedman - abstain, Hennlich – aye, Kaas – abstain, Laux – aye, Miller – abstain, and Rath – aye. Motion carried.

Friday stated there should be clear reasons for abstentions.

Gedman defended his position; that it was not clear what happens, the Village puts it out there and now are you on the hook for this, if the DNR comes back stating dredging is required, what has the Village has signed up for.

Hennlich stated this is a separate issue from the MS4.

Rath asked Friday for proper reasons for abstentions. Rath informed the audience any of those who voted in favor of the action, upon new information can request reconsideration of it in the future.

Benz requested the minutes reflect his apology for any remarks made about the DOT or DNR.

Kaas returned to the Board Room table.

- b) *FY2016 Paving Projects (Contract A16) – Authorization to Perform Engineering and/or Consulting Services (Cedar Corp; NTE \$16,950).*

Kaas moved to approve the FY2016 Paving Projects (Contract A16) – Authorization to Perform Engineering and/or Consulting Services (Cedar Corp; NTE \$16,950). Laux 2nd. Motion carried unanimously.

- c) *Two-Year Appointment of Village Representative to Calumet County Local Emergency Planning Committee (LEPC; 2016-18).*

Laux moved to appoint the Village Administrator to a two-year appointment as the Village Representative to the Calumet County Local Emergency Planning Committee. Benz 2nd. Motion carried unanimously.

- 16) Complaints and Compliments: None.

- 17) Correspondences:

- a) *Monthly Activity Report(s) – January, 2016 (Harrison Fire & Rescue).*
b) *Calumet County Bank merging with State Bank of Chilton (Calumet County Bank).*

- 18) Closed Session: Per Wis. Stats. §19.85(1)(e), a governmental body may move to Closed Session when deliberating or negotiating the purchase of public properties, investing public funds, or conducting other public business whenever competitive or bargaining reasons require a Closed Session.

Kaas moved to go into Closed Session Per Wis. Stats. §19.85(1) (e) at 9:41 p.m. Laux 2nd. Motion carried unanimously.

- 19) Open Session: The Village Board may act on the aforementioned topic(s).

Miller moved to return to open session at 10 p.m. Hennlich 2nd. Motion carried unanimously.

- 20) Adjournment. – ***Rath hearing no objection adjourned the meeting at 10 p.m.***

Minutes presented for review and approval by Susan Williams, Village Clerk-Treasurer.