

Village Board Meeting Minutes

May 9, 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
Joyce Laux
David Miller
Roger Kaas
Jim Rath*

Absent

none

Others Present

*Randy Friday, Administrator
Susan Williams, Clerk-Treasurer*

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Hennlich moved to approve the agenda as presented. Kaas 2nd. Motion carried unanimously.***
- 4) Approval of Minutes
- a) April 25 (Organizational Meeting).

Gedman moved to approve the Organizational Meeting Minutes of April 25, 2016, as presented. Kaas 2nd. Motion carried unanimously.

- b) April 25 (Regular Meeting).

Williams distributed a copy of the Minutes from the Regular Meeting of April 25, 2016 for the Trustees review after revision by Friday.

Kaas moved to approve the Minutes of the Regular Meeting of April 25, 2016, as revised and copy distributed at the meeting. Miller 2nd. Motion carried unanimously.

- 5) Registered Citizen Comments on Agenda Items.

Ken Krueger, W513 Clifton Rd., Sherwood – regarding agenda item 7) and 14) b), voiced concerns of the tower going in, believing the Village does not want it, potential property values dropping, can he still build on his 2nd parcel, will the tower be setback enough, will he be compensated for the loss of property values; on unagendized items osprey nesting on the monopole and when John Street will be reconstructed.

Michael Cook, N7770 Palisades Trl., Sherwood – regarding unagendized item, pickleball courts in the Village, voiced concerns of location at the Sherwood Administrative Office Parking Lot, suggesting using one tennis court or the basketball court, both at Wanick Park.

- 6) Presentation: Presentation of FY2015 Audit Report (Brian Grunewald; Schenck SC).

- 7) *Public Hearing:* Amending Municipal Code, Ch. 7–Public Nuisances to include Article IV. Property Maintenance Standards.

After 3 calls for the Public Hearing President Rath opened the Public Hearing at 7:22 p.m.

Kaas moved to close the Public Hearing at 7:23 p.m. Benz 2nd. Motion carried unanimously.

- 8) *Public Hearing:* Amending Municipal Code, Ch. 5–Public Works to include Article II. Road Rights-of-Way.

After 3 calls for the Public Hearing President Rath opened the Public Hearing at 7:23 p.m.

Benz moved to close the Public Hearing at 7:24 p.m. Miller 2nd. Motion carried unanimously.

- 9) Report of the Planning Commission (May 2)
a) *Ordinance Update* – Consider update to Municipal Code, Ch. 7 – Chapter 7 Article II: Public Nuisances, regarding regulation of ‘adult-oriented’ businesses.

Friday reported that he had received an e-mail in regards to setbacks for adult novelty businesses and when presented to the Plan Commission, upon review of the current Code they recommended to update.

Benz moved to direct Village Staff to provide an update to the Village of Sherwood Municipal Code, Ch. 7 – Chapter 7 Article II: Public Nuisances, regarding regulation of ‘adult-oriented’ businesses. Laux 2nd. Motion carried unanimously.

- b) *Extra-territorial CSM:* Request for W3637 CTH B (Halbach) to split 36.99ac. (Parcel ID #12637; Town of Woodville) into two lots creating Lot #1 (1.37ac.) with home and Lot #2 (35.75ac) of unimproved agricultural land.

Benz moved to approve the request of Extra-territorial CSM: Request for W3637 CTH B (Halbach) to split 36.99ac. (Parcel ID #12637; Town of Woodville) into two lots creating Lot #1 (1.37ac.) with home and Lot #2 (35.75ac) of unimproved agricultural land. Miller 2nd. Motion carried unanimously.

- c) *Municipal Ordinance Amendment* – Amend Ch. 5–Public Works to include Article II. ‘Regulating local Rights-of-Way’ – *action taken under agenda item 14) b).*

- d) *Request to place telecommunications pole in Clifton Road Right-of-Way (Wisconsin Technology Networking, LLC).* – *action taken under agenda item 14).*

- e) *Calendar:* On-going Review of Comprehensive Plan obligations. – *Friday quickly reviewed the packet document and informed the Board that the Comprehensive Plan update must be budgeted and done by 2018.*

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

Rath announced he will not be in attendance at the next Village Board Meeting and requested Vice President Laux to chair the meeting.

- b) Fox Cities Area Room Tax Commissioner

Benz distributed the Minutes to the May 5, 2016 Appleton Redevelopment Authority Exhibition Center Advisory Committee. Benz reported that a previously discussed item the request to assign a proxy in a committee member's absence was denied by the Appleton Redevelopment Authority. Benz stated the Committee continued to voice of concerns of the delay in the approval of the Request for Qualifications of the Owners Agent (Expeditior), with it potentially going in front of the Appleton City Council within the next 2 weeks. Benz informed the Trustees that 2 Appleton Alderpersons were in attendance, one expressed concern that the process may be too rapid, and the other did not have a problem with the timing. Benz stated until the Expeditior is in place nothing happens. Benz expressed concern since it is May 2016 and the completion date is fall 2017. Benz informed the Trustees that the Appleton Performing Arts Center had the same kind of process. Benz stated a report was shared with the Committee of a meeting between the Appleton Mayor and the Radisson owner discussing the property concerns and plans for resolution were discussed with all to be complete before the center is finished. Benz informed the Board that the exhibition center cost may be between \$23,000,000 and \$27,000,000. Benz stated if the cost exceeds \$29,000,000 all stakeholders must approve.

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

Benz moved to approve the financial reports as presented. Hennlich 2nd. Motion carried unanimously.

Miller asked where the sod was planted and Friday replied around the splashpad, to replace materials that were previously pulled into the splashpad system that caused clogs.

- ii. Original Alcohol Beverage Retail License Application – **Provisional** (The Granary; N586 Military Road).
 - iii. Appointment of Agent for the Granary of Sherwood, LLC – David K. Eggert; Agent.

Hennlich moved to approve the Provisional Alcohol License and Appointment of Agent for the Granary, as presented. Gedman 2nd.

Kaas inquired if the Village was aware of the long term plans of the new owners and if they intend to continue to operate only as a supper club. Williams and Rath stated Eggert was transitioning from his former business to a more family oriented business.

Laux – nay. Motion carried.

- iv. Operator's License.
 - Rozzi Markgraf

- James R. Blackburn
- Jennifer Sticka

Kaas moved to approve the operator license applications of Rozzi Markgraf, James R. Blackburn and Jennifer Sticka as presented. Benz 2nd. Motion carried unanimously.

Williams reminded the Board of the May 16, 2016 Board of Review and the packets were distributed to the Trustees without any registered objectors.

Williams directed the Board to an update to the Municipal Traffic Code, regarding parking restrictions on Village Streets recommended by the Plan Commission and approved by the Village Board in January of 2015 without an official update to the Ordinances/Code. Williams stated the Municipal Code of Ordinances Amendment will be presented for official approval at the May 23, 2016 Village Board meeting.

11) Village Engineer and/or Utility Operator: Project Update(s).

Friday reported the Utility Operator repairs being done, there was a main break from the hydrant flushing, and the crew repaired it quickly with minimal customers being affected from the looping of the system. Friday stated the next Village Board meeting will have the copy of the incidents and the current water loss report. Friday stated the 2nd year of the reed bed clean out project will begin soon with drier weather.

Friday distributed the Cedar Corp. Post Office Parking Lot cost for Trustee consideration. Friday stated the FY2016 Budget had \$25,000 allocated for the project with the plan that FY2017 would have the same amount presented for approval. Friday reported the cost estimate totaled \$79,286 (\$50,260 construction, \$5,026 contingency and \$24,000 technical administration). Friday stated the project involves many trades which will be a 6 week project and will need to work with the Post Office schedule. Friday identified project sections; planters to be placed to close off Clifton Road, doubling the parking spaces, 95 feet of rolling curb, with options to save money from eliminating the mountable curb.

Kaas suggested paving the west part of the drop box loop and Friday reported it could with the owner's permission. Kaas requested cost estimates for that paving for potential cost sharing.

Benz questioned the technical administration costs and Friday replied that is the cost of coordinating the trades/utilities in a very small space, design, managing existing water/sewer/electric, bidding letting, discussion with the WDOT and permitting. Benz inquired if the cost of the project was budgeted and Friday replied FY2016 Budget has \$25,000 allocated for reworking the parking lot with the plan that FY2017 would have the same amount presented for approval. Friday replied that this plan is within the adopted Downtown Master Plan and the Development RFP; land from the Post Office to Condon Road to be developed and the closing of Clifton Road at HWY 114/55 intersection. Benz stated that the cost of this is \$50,000 higher than budgeted. Friday replied that the Village has funds available for small capital projects like this and year end 2015 that fund balance was approximately \$466,000. Miller stated it would show the Village residents the Board is moving forward.

12) Village Administrator: Project Update(s).

Friday reported attending the semi-annual meeting of the NEWSWC, and after discussion with McMahon personnel reported fieldwork to begin shortly for the MS4 study, which is on track with being done by year end. Laux asked about McMahon identifying source of the water and Friday replied that McMahon personnel understand the flow of the water. Friday reminded the Board that he will need to speak with a resident (Gehl) for the construction easement along Nuthatch Trail to ease the movement of heavy equipment. Friday stated Wednesday morning at the Village Offices will be pre-construction meeting of the paving and Thursday morning he and Village President Rath will attend a Calumet County Wide Inter-Governmental meeting.

13) Old Business:

- a) *Palisades Pond Lake District.*

Williams presented documents from DOR (district creation), DNR (update of the dam transfer) and UW-Stevens Point Pond expert (information on meetings and the financial responsibility of the Village).

Kaas suggested the timing of the meeting being held after the Memorandum of Understanding is created and approved by the Village Board before it is presented to the golf course.

Miller asked if the dam is coming out. Kaas replied no. Williams stated the golf course had to obtain legal ownership before any subsequent transfer occurs. Kaas reported the golf course verbally committed to donate it to the District. Miller stated that after the donation the District will then be responsible for repairing the dam.

14) New Business:

- a) Consider amending Municipal Code, Ch. 7–Public Nuisances to include Article IV. Property Maintenance Standards.

Benz moved to approve amending the Municipal Code, Chapter 7 - Public Nuisances to include Article IV. Property Maintenance Standards. Hennlich 2nd. Motion carried unanimously.

- b) Consider amending Municipal Code, Ch. 5–Public Works to include Article II. Road Rights-of-Way.

Benz moved to approve amending the Municipal Code, Chapter 5 –Public Works to include Article II. Road Rights-of-Way. Miller 2nd. Motion carried unanimously.

- c) Consider amending Municipal Code–Ch. 1 Government & Administration; Article I. Village Board and Other Meetings.

Hennlich moved to approve amending the Municipal Code, – Ch. 1 Government & Administration; Article I. Village Board and Other Meetings. Miller 2nd. Motion carried unanimously.

- d) Resolution #03-2016: Request to join area leadership supporting Weight Of The Fox Valley initiative promoting healthy, active lifestyles thru multi-modal path usage.

Hennlich moved to approve Resolution #03-2016: Request to join area leadership supporting Weight Of The Fox Valley initiative promoting healthy, active lifestyles thru multi-modal path usage. Gedman 2nd.

Kaas questioned what this will do. Friday responded that it that this would show support when the Fox Valley group is applying for multi-modal trail grants. Rath stated when Sherwood Representatives meet with Harrison Representatives one topic could be the suggestion of the continuation of the trail that stops at Hwy N and 114.

Laux – nay. Motion carried.

- e) Consider methodology and date(s) by which to identify partners in Sherwood-Harrison dialogue.

Friday distributed a copy of Times Village Newspaper article which covered a recent Village of Harrison Board meeting and one topic was the dialogue. Benz reported not being familiar with many of the Trustees other than Kevin Hietpas, who attended a few Village of Sherwood Board meetings, and asked the Sherwood Trustees for suggestions of the second.

Benz moved to select Kevin Hietpas and Buddy Lisowe as the two Harrison representatives at the Sherwood – Harrison Meeting. Kaas 2nd. Motion carried unanimously.

After action was taken on agenda item 14) b), Hennlich moved to act upon agenda item 9) d) to deny Request to place telecommunications pole in Clifton Road Right-of-Way (Wisconsin Technology Networking, LLC). Miller 2nd. Motion carried unanimously.

Kaas questioned the options the Village has with the denial. Kaas inquired if the Village is required to provide another location or to have them select another location because the site described in the application is not an appropriate location due to potential future development. Rath stated there are better sites and believes the applicant did not do an on-site review. Friday stated the letter will include the Plan Commission and Village Board denial per inappropriate location with other reasons listed and he will suggest the applicant contact him.

Laux asked if there is still a problem with individuals placing grass cuttings on undeveloped lots. Friday replied we do not receive many of those complaints. Laux stated she has witnessed it and what is being done about it. Friday replied that it should not be done due to it ending up in the stormwater system.

Miller questioned if there is a Calumet County Wide Ordinance regulating the agricultural run-off of mega farms, since that is polluting wells. Friday replied he spoke with Brent Jalonon (Calumet County) and Nick Vande Hey (McMahon) and they are of the same mind which is good for the Village

15) Complaints and Compliments: None.

16) Correspondences:

- a) *Monthly Activity Report – April (Calumet County Sheriff’s Dept.).*

- 17) Adjournment. – ***Benz moved to adjourn the meeting at 9:00 p.m. Gedman 2nd. Motion carried unanimously.***

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

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