

Village Board Meeting Minutes

January 10, 2011

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

Present

Joe Hennlich
Joyce Laux
David Miller
Carl Thomson
Terri Welisek

Absent

Roger Kaas, excused

Others Present

Randy Friday, Administrator
Jennifer Schaff, Village Engineer
Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – Hennlich *moved to approve the agenda as presented. Thomson 2nd. Motion carried unanimously.*
- 4) Approval of Minutes – Regular Meeting (Dec. 13) – Hennlich *moved to approve the minutes of the regular Village Board for December 13, 2010 as presented. Laux 2nd. Motion carried unanimously.*

Welisek moved to advance agenda item 11. a). Laux 2nd. Motion carried unanimously.

- 5) Registered Citizen Comments on Agenda Items

Bob Giesen, W4871 Cliff View Dr., Sherwood – regarding agenda item 11. a) strongly requests Board to reconsider the construction of cell tower

Tom Schuler, N369 Ridgewood Ct., Appleton – regarding agenda item 11. a) opposes construction of cell tower

Jeff Weyenberg – W4878 Forest Ln., Sherwood – regarding agenda item 11. a) opposes construction of cell tower

Brad Knuppel, W4817 Wild Wings Dr., Sherwood – regarding agenda item 11. a) opposes construction of cell tower

- 6) Presentation(s):

a) Discuss church outreach role in community with various local service organizations (Peggy Braun; Development Director–SJSH School) – *informational brochure for outreach in community included in packet*

- 7) Report of the Utility Commission: Dec. 20

- a) Well #5 Pump house Modifications: Consider *Change Order #13* (\$420.14; Miron Construction) to install air release valve & pressure gauge) – *Village Board approved November 22, 2010 agenda item 11. c).*
- b) Sewer Service Area Study: *Fire Lane 12 & 13 Report – Info. Only*
- c) Water Transmission Main: *Payment #9* (Final; \$1,004) to Hietpas – *Info. Only*
- d) STH 55/114 watermain reconstruction: *Change Order #1* (-\$14,575) – *Info. Only*

- e) STH55/114 watermain: *Payment #2 (Final; \$7,374) to PTS – Info. Only*
 - f) Clifton Rd. watermain reconstruction: *Change Order #2 (-\$2,542) PTS – Info. Only*
 - g) Clifton Rd. watermain: *Payment #3 (Final; \$4,941) to PTS – Info. Only*
 - h) Lake Shore East subdivision: *Acceptance of public infrastructure – Info. Only*
 - i) Aerator replacement at WWTP: *Payment #1 (\$3,116) to August Winter – Info. Only*
 - j) Sunset Lake Court watermain replacement: *Preliminary engineering contract awarded (\$7,000; McMahon) –Info. Only*
 - k) Budget Presentation: *FY2011 Utility Budgets – Info. Only*
- 8) Report of the Plan Commission: Jan. 3
- a) Extra-territorial Review: *Certified Survey Map (CSM) request by Mark Jensen (W5659 Firelane #12 Road) to combine three Town of Harrison parcels on Firelane #12 Road (Parcels 7285, 7286, 7287; Long Beach Plat – Lots 6, 7,8) recreating them as two parcels, Lot One being +/- 17,914 sq. ft, and, Lot Two being +/- 16,354 sq. ft.*

Village Board: *Welisek moved to recommend approval without objection to the CSM request by Mark Jensen (W5659 Firelane #12 Road) to combine three Town of Harrison parcels on Firelane #12 Road (Parcels 7285, 7286, 7287; Long Beach Plat–Lots 6, 7,8) recreating them as two parcels, Lot One being +/- 17,914 sq. ft, and, Lot Two being +/- 16,354 sq. ft. Rath2nd. Motion carried unanimously.*

- 9) Report of Village Officers
- a) Village President
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – *Laux moved to approve the financial reports as presented. Hennlich 2nd. Motion carried unanimously.*
- 10) Village Engineer: Project Update(s) - Engineer Schaff reports the Appleton-Sherwood water main project punch list items are complete and there will be change orders for lighting, heater and flow meter that will be presented by the next Board meeting.

Administrator Friday stated the 2nd well is filled, capped off and abandoned, and all DNR paperwork have been completed and returned to DNR.

- 11) Village Administrator
- a) Requested information regarding proposed AT&T cell tower on Stommel Road (tower base dimensions; RF strengths; AT&T in City of Green Bay as a comparable): Info., only.

R. Shane Begley, Begley Wireless Consulting Services, Inc., 14114 South Country Circle, Gordon, WI – addressed the Board answering questions presented at previous meetings:

1. Decibel output of generators – generac model SD050 kW – 62 – 66 db output at 7 meters
2. Operation of generators – run once a week, start up and shut down and run once a month for 30 minutes, possibly this often or less

3. Monopole base size – approximately four feet at the very bottom, exact measurement after the soil test, spread footing maximum 6 ft or case on with 4 ft
4. Monopole size on top – 1 ½ ft
5. Monopole size at 7 ft or top of fence – 3 ft 9 inches
6. RF exposure limits – test that is performed at the site, Site Safe conducts site audit and results are reported to the FCC, the audit is performed for additional tenants, RF is monitored at existing towers, typically operating at 1,000 less than what FCC states is a safe level, 35 ft above ground to ground there is no RF exposure
7. Trees – PRUT Board input
8. Presented local sites – Green Bay – Edison, Fire Station #4, Bay Beach (projects in process) located in/next to residential areas

President Miller stated there is a tower located on CTY N behind Horizon School in Kimberly

Welisek moved to place cell tower construction on next Village Board meeting agenda (1/24/11). Motion failed for lack of 2nd.

Begley inquired of the Board, if all questions had been answered and having no other questions to respond to then presented the agreement between AT&T and the Village and requested signatures be executed.

Miller moved Village Attorney review minutes of 10/11/2010 Village Board Meeting and agreement presented and report back for the next Village Board meeting 1/24/11. Thomson 2nd. Motion carried unanimously.

Miller moved Village Attorney report back to the Board as to what would happen if agreement is not signed and what the Village is bound to by the Telcom Act. Welisek 2nd. Motion carried unanimously.

Administrator Friday stated residents show consult Village website for future agenda items.

- b) ‘Bird City Wisconsin’ project: Request to consider Sherwood join other municipalities as a certified bird community

Welisek informed the Board that the Village can promote itself as a “Bird City”. Welisek stated that there are potential grant funds available. Board directs Administrator to present to PRUT Board.

- c) Hotel & Motel Room Tax: Does the Board wish to reconsider the previously adopted ordinance imposing a ‘room tax’ to overnight accommodations’ gross receipts.

Rath moved to table issue until a representative of the Fox Cities Convention and Visitor’s Bureau can attend a future Village Board meeting. Laux 2nd. Motion carried unanimously.

- d) Fake ‘Pot’ (synthetic cannabinoids) ordinance: Does the Board wish to adopt an ordinance banning the sale, possession, distribution, and use of synthetic marijuana.

Board consulted with Sheriff Deputy Bowe and will act upon the Calumet County Sheriff’s Department recommendation when received.

12) Old Business: None

13) New Business:

- a) Municipal Code Amendment: *Charter Ordinance #2011-106 Discontinuing the Office of Village Constable* (first reading) – *first reading*

14) Complaints and Compliments:

Welisek stated that there are issues with resident walking dogs off leaseh and Board directed Administrator to contact resident to inform them of the Village ordinance.

15) Correspondences:

- a) *Calumet County Sheriff's Department – Monthly Report* for November (Dec. 17)

Deputy Bowe reviewed report with the Board. Miller inquired about status of Hawkinson property. Bowe stated he will follow up with the Judge.

- b) *Notice of Retirement Celebration* for Sheriff Jerry Pagel (Mark Ott; Dec. 29) – *info*
- c) Request to amend local Ordinances regarding noise ordinance to allow outdoor music to extend beyond 10pm (Heidi Bourassa; High Cliff Restaurant; Jan. 5) – *postponed discussion to next meeting*
- d) Request to do background work in support of Noise Ordinance amendment consideration for possible wedding at High Cliff Restaurant (Krystal Krueger; Jan. 5) – *postponed discussion to next meeting*

16) *Closed Session:*

Hennlich moved Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session at 8:27 p.m. Welisek 2nd. Motion carried unanimously.

- a) *Consider purchase of property in the downtown area (W432 Clifton Road.). Note: Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.*
- b) *Consider purchase of property in the downtown area (N397 Military Road). Note: Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.*

17) *Open Session:*

Rath moved to return to open session at 9:28 p.m. Hennlich 2nd. Motion carried unanimously.

- a) *Consider purchase of property in the downtown area (W432 Clifton Road): Consider purchase – no action taken*
 - b) *Consider purchase of property in the downtown area (N397 Military Road): Consider purchase – no action taken*
- 18) **Adjournment – *Hennlich moved to adjourn at 9:40 p.m. Rath 2nd. Motion carried unanimously.***

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

Village Board Meeting Minutes

January 24, 2011

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

Present

Joe Hennlich
Roger Kaas
Joyce Laux
David Miller
Terri Welisek

Absent

Carl Thomson, excused
Jim Rath, excused

Others Present

Randy Friday, Village Administrator
Jennifer Schaff, Village Engineer
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 – Regular Meeting (Jan. 10) – *Laux moved to approve the minutes with spelling correction of item 14 on page 4 (leash) of the regular Village Board meeting January 10, 2011 as presented. Hennlich 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items –

Derrick Gossen, 301 Freedom Ct., Mishicot – regarding agenda item 12) b) & 14) a) supports suspension of ordinance for one day event

Vern Bastjan, W4879 Cliff View Dr., Sherwood – regarding agenda item 12) b) cautions Board of changing ordinance

Bob Giesen, W4871 Cliff View Dr., Sherwood – regarding agenda item 7 a) b) opposed to tower and concerned about Village financial commitment to football program

Jeff Weyenberg – W4878 Forest Ln., Sherwood – regarding agenda item 7 a) delay tower construction

Tom Schuler, N369 Ridgewood Ct., Appleton – regarding agenda item 7 a) opposed to tower

John Sharer, W5011 Cherrywood Dr., Sherwood – regarding agenda item 7 a) opposed to tower

Paul Stelter, W4937 Spring Ct., Sherwood – regarding agenda item 12) b) opposed to ordinance suspension

Jana Schuster, High Cliff Restaurant, W5095 Golf Course Rd., Sherwood – regarding agenda item 12) b) in favor of ordinance suspension

- 6) Report of the Utility Commission: Jan. 10
 - a) Well #5 flow meter purchase & installation (\$4k; MCO) –

Village Board: *Hennlich moved to approve Well #5 flow meter purchase & installation (\$4,000; MCO). Laux 2nd. Motion carried unanimously.*

- b) Budget Presentation: FY2011 Water & Sewer Utility Budgets –

Friday presented briefly the budget to the Board, stating increases to water and sewer rates as \$5.09/month and \$1.42/month respectively, on base rates only, the water change is due to increase from the City of Appleton, the sewer change is due to the utility operating at a bare minimum.

Welisek questioned the sales increase in the proposed budget and Friday responded that the anticipated increase last year in water rates occurred later than projected.

Welisek inquired about the increase in the contract operations and if the Utility had gone out to bid prior to awarding utility operations contract for FY2011 to MCO.

Kaas stated that the MCO was the lowest of 2 firms that submitted bids, 5 years ago; since that time service has been excellent and MCO has provided cost savings to the Village for sludge transport.

Welisek questioned in this economy of awarding a contract without going out for bid.

Friday presented basic information on the contract and stated that the Utility could re-consider hiring utility employees, which was done prior to the MCO contract award.

Village Board: Kaas moved to approve the FY2011 Water & Sewer Utility Budgets as presented. Hennlich 2nd. Welisek – nay. Motion carried.

- c) Project updates: WWTP aerator; Water transmission main – *Info. only*
 - d) Well #5 Pumphouse Modifications: Consider installation of outfall pipe from well house to stormwater pond (Tabled.) – *Info. only*
 - e) Request by PTS, Construction, Inc. to reconsider water usage charges applied to 55/114 & Clifton Road water main replacement projects (Denied.) – *Info. only*
 - f) Sewer Service Area Study: *Fire Lane 12 & 13 Report*– *Info. only*
 - g) Contract extension to operate utility operations (MCO; \$153,481) – *Info. Only*
- 7) Report of the Park, Rec. & Urban Tree (PRUT) Board: Jan. 19
- a) AT&T cell tower site landscape plan –

Friday presented landscape plan created by members of the PRUT Board including specific species and sizes of trees. Friday stated the plan includes an increase in compound size to 100 ft x 100 ft., 8 ft. size of trees for more successful survival and warranty on plantings of 2 years.

Village Board: Hennlich moved to approve the PRUT Board recommendation of the AT&T cell tower site landscape plan as presented. Kaas 2nd. Motion carried unanimously.

- b) Pavilion improvements: Request by Sherwood Lions Football Program (Dave Van Elsen) to donate replacement bleachers using *Sherwood Football* funds (est. \$25k) at shelter– *Info. only*
 - c) Miller Pond trail extension(s): Review future path placement, wetland delineations and future project construction– *Info. only*
 - d) 'Bird City' communities: Village of Sherwood as a 'bird city'– *Info. only*
- 8) Report of Village Officers
- a) Village President–None

- b) Clerk/Treasurer
 - i. Review/Approve financial reports– ***Laux moved to approve the financial statements as presented. Welisek 2nd. Motion carried unanimously.***
 - ii. Application for Operator’s License: Jennifer Lynn Nitzband– ***Welisek moved to approve the application for Operator’s License for Jennifer Lynn Nitzband as presented. Kaas 2nd. Motion carried unanimously.***
 - iii. *FY2010 Budget Amendment: Consider Budget amendment–*

Clerk Williams reviewed with the Board the proposed FY2010 Budget Amendment.

Laux moved to approve the FY2010 as presented. Miller 2nd. Motion carried unanimously.

- 9) Village Engineer: Project Update(s) – Engineer Schaff stated the water main project is coming to completion with installation of heaters and lighting at Well #6, MCO will install flowmeter and release valve/pressure gauge and final clean up in spring.
- 10) Village Administrator–*Administrator Friday stated that over the next few weeks he will be out of the office due to TID conference and jury duty.*
- 11) Old Business: None
- 12) New Business:
 - a) Municipal Code Amendment: *Charter Ordinance #2011-106 Discontinuing the Office of Village Constable (Second reading) –*

Miller read the Charter Ordinance #2011-106 Discontinuing the Office of Village Constable for a second time.

Welisek moved to table the ordinance consideration until renewal of the Calumet County Sheriff Department contract.

Motion failed for lack of second.

Williams stated that the ordinance becomes effective 60 days after the adoption, during those 60 days if a referendum is presented the ordinance maybe overturned, currently the Village is under contract with the Calumet County Sheriff Department and the Constable office is vacant but the office will be on the Spring ballot due to the timing of this ordinance.

Miller posed the question of the Village Constable office being outdated and limited in nature.

Friday stated that the Sheriff Department is controlling speed and policing ordinance compliance.

After the 2nd reading, Miller moved to approve the Charter Ordinance #2011-106 Discontinuing the Office of Village Constable. Hennlich 2nd. Motion carried unanimously.

- b) Municipal Code Amendment: Request to change Municipal Ordinance #94–52 regarding noise ordinance to allow outdoor music to extend beyond 10pm

- i. Heidi Bourassa; High Cliff Restaurant; Note: Official 'Amendment' documentation not yet submitted–
- ii. Steve Jacobs/Marilyn Nettekoven; children of Brian Nettekoven event –

Miller stated that he has received calls opposing suspension of the ordinance.

Friday read excerpts from the ordinance.

Welisek also stated that she has received opinions in favor and opposed, and is siding with the opposition.

Miller moved to deny request to change Municipal Ordinance #94–52 to allow outdoor music to extend beyond 10pm. Welisek 2nd. Motion carried unanimously.

13) Complaints and Compliments: None

14) Correspondences:

- a) Request to do background work in support of Noise Ordinance amendment consideration for possible wedding at High Cliff Restaurant (Krystal Krueger; Jan. 5) – *reviewed*
- b) Geotechnical Exploration report – *Upper Wanick Park* (River Valley Testing; Jan. 6) – *reviewed*
- c) Request to amend local Ordinances regarding noise ordinance to allow outdoor music to extend beyond 10pm (Heidi Bourassa; High Cliff Restaurant; Jan. 8) – *reviewed*
- d) Calumet County Sheriff's Department – Monthly Report for December (Jan. 11) – *reviewed*
- e) Round-about construction schedule: Update to STH 55/114 schedule (WisDOT; Jan. 11) – *reviewed*
- f) 'Thank You' letter (Cory Feller; Jan. 19) – *reviewed*
- g) 'Non-Support' letter regarding potential change to Noise Ordinance (Bouchette; Jan. 19) – *reviewed*
- h) Request for conditional permit and Noise Ordinance amendment consideration for event (Jacobs Jan. 20) – *reviewed*

15) *Closed Session:*

- a) *Consider purchase of property in the downtown area (W432 Clifton Road.).* Note: Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- b) *Consider purchase of property in the downtown area (N397 Military Road).* Note: Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- c) *Attorney input regarding proposed AT&T cell tower contract.* Note: Per Wis. Stats. 19.85(1) (g), the Board may move to closed session when 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.

Kaas moved to go into closed session at 8:27 p.m. Per Wis. Stats. 19.85(1)(e), the Board may move to closed session when deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and Per Wis. Stats. 19.85(1) (g), the Board may move to closed session when 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. Welisek 2nd. Motion carried unanimously.

Welisek moved to return to open session at 9:13 p.m. Laux 2nd. Motion carried unanimously.

16) *Open Session:*

- a) *Consider purchase of property in the downtown area (W432 Clifton Road): Consider purchase—*

Hennlich moved to purchase W432 Clifton Rd., Sherwood (Tx ID #13553) for \$123,140 with provisions of offer to purchase including but not limited to Anderson's (current residents) remaining as sole residents at property for a period up to 24 months and all terms of lease agreement. Kaas 2nd. Voice vote: Hennlich – aye, Kaas – aye, Laux – aye, Miller – aye and Welisek – aye. Motion carried unanimously.

- b) *Consider purchase of property in the downtown area (N397 Military Road): Consider purchase—*

Kaas moved to purchase N397 Military Rd., Sherwood (Tx ID #13565) for \$109,820 with the provisions of the offer to purchase including but not limited to the reassignment of the 5 year lease with the United States Postal Service. Welisek 2nd. Voice vote: Hennlich – aye, Kaas – aye, Laux – aye, Miller – aye and Welisek – aye. Motion carried unanimously.

- c) *Consider legal action regarding proposed AT&T cell tower contract. –*

Friday presented a chart provided by R. Shane Begley, Begley Wireless Consulting Services of the maximum permissible exposure (MPE) measurement of radio frequency (RF) of AT & T and other carrier antennas calculated by EBI Consulting, which included distances from the tower base at ground distance of 0 to 200 feet of 1.1% to.0001621% and 5.5% to.000806049 % cumulative calculations; occupational and general population respectively. Friday concluded by stating that the nearest residence to the tower is approximately 400 ft, which is not listed on the chart.

Friday posed the question of likelihood of AT & T approval of the proposed landscape plans and agreement language revisions.

R. Shane Begley, Begley Wireless Consulting Services, Inc., 14114 South Country Circle, Gordon, WI stated that he did not see a problem with AT&T accepting the Village's request.

Hennlich moved to approve the AT&T Cell Tower Contract agreement contingent upon AT&T acceptance of the PRUT Board landscape plan revisions, Village Attorney contract language changes previously communicated to AT&T counsel and approval of all necessary and/or pertinent regulating agencies including but not limited to DNR (environmental impact study) and FCC (RF

propagation study) with signatures executed by Village Board President, David Miller and Village Clerk, Susan Williams.

Begley stated that all paperwork has been submitted, and regardless of the action of the Board until all necessary and/or pertinent regulating agencies approve the tower, work can be started on the property.

Welisek 2nd.

Following audience questioning and at Board prompting Friday went on to say the Village Attorney stated the Board must have real tangible grounds and cause must be valid. Friday stated that the terms the Village Attorney identified as points in the agreement to address: rezoning of the property; the Village has a state mandated right to rezone property in the Village, landscape plan proposed by the PRUT Board and Village liability exposure. Friday added that the points the Village Attorney presented will be reflected in revisions to the agreement per Begley.

Welisek responded to residents voicing opposition, stating that was taken into consideration but the greater consideration is the safety of community and cell companies are investing in tower construction and more homes are moving to that and the Village must have coverage.

Miller stated that the impact of the cliff is unique to the Village and causes a dead area. Miller questioned Begley of the option of 2 – 50 ft towers in place 1– 100 ft tower.

Begley stated he would have to go back to AT&T; the visual impact would increase due to 2 tower locations.

Friday stated the guiding document is the Village approved Comprehensive Plan, which was brought up in a previous meeting states that the Board should talk about it publicly and look to promote one location with tenants not multiple locations.

Friday continued in stating that the Board approved the tower as a conditional use, which means that any additional towers would be done on a case by case basis.

Friday responded to question of agreement terms; that the lease is renewable and typically a rolling 5 year term with tear down provision when the tower is no longer in use by AT&T.

Begley added that based on the documentation he has that he will not see the end of towers, he has seen the reduction of existing satellite companies due to maintenance costs and population base.

Friday further responded to question of timing process of application, that any unit of government which takes in an application, there is a process that every municipality must follow to fulfill their legal obligation.

Hennlich stated that 2-50 ft. towers would double the visibility and problems.

Welisek went on to say in all fairness the Village has not rushed the project, the application was presented to committee for review and consideration.

Voice vote: Hennlich – aye, Kaas – aye, Laux – aye, Miller – abstain and Welisek – aye. Motion carried.

17) Adjournment– Kaas moved to adjourn at 10:10 p.m. Hennlich 2nd. Motion carried unanimously.

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

Village Board Meeting Minutes

February 14, 2011

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

Present

Joe Hennlich
Roger Kaas
Joyce Laux
David Miller
Carl Thomson
Jim Rath
Terri Welisek

Absent

Susan Williams, Clerk-Treasurer

Others Present

Randy Friday, Administrator
Jennifer Schaff, Village Engineer

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

Rath moved to advance Item 11a. as the first point of business following approval of the Minutes. Kaas 2nd. Motion carried unanimously.

- 4) Approval of Minutes – Regular Meeting (Jan. 24) – *Kaas moved to approve the Minutes as presented. Rath 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items
- 6) Report of the Plan Commission: Feb. 7 – No meeting held due to lack of activity.
- 7) Report of Village Officers
- a) Village President
- *Received and forwarded complaints to Calumet County Sheriff's Dept. regarding sturgeon spearers' excessive speed on State Park Road.*
- b) Clerk/Treasurer
- Review/Approve financial reports – Laux moved to approve the financial reports as presented. Welisek 2nd. Motion carried unanimously.*
 - Amendment to Schedule of Fees: Extra-Territorial Certified Survey Maps (CSM)*

The Board reviewed a 'Memo' presented in their packet discussing fees. They directed Administrator Friday to check with other municipalities for consistent applicability and cost comparison, and return the item to a future Agenda for possible action.

8) Village Engineer: Project Update(s) – *Engineer Schaff reported the Water hook-up project with the City of Appleton is complete.*

9) Village Administrator

- *A Request for Proposals (RFP) has been sent to various accounting firms for their consideration to be contracted as the Village accounting firm. (Joyce Laux will be part of the review team, in addition to Clerk-Treasurer Williams and Administrator Friday).*
- *The 'Anderson' property is scheduled for closing on Feb. 21st.*
- *The 'Jacobs' property is scheduled for closing on Feb. 24th.*
- *Friday provided the Board with a copy of information about the Governor's proposed 'Budget Repair Bill' and its effects on all public sector employees, excluding police & fire department personnel.*
- *Friday met last week with Mike Mliner from the Univ. of Wisconsin to discuss the 'landscape architecture' project he is doing in the Village of Sherwood. As possible, a time agreeable to meet with the Board and/or provide updates of Mliner's project to the Board will be coordinated.*
- *Friday will pursue a grant from the National Endowment for the Arts (NEA) to do downtown planning via their 'Your Town: A Citizens' Institute on Rural Design' program.*

10) Old Business: None

11) New Business:

- a) Municipal Ordinance Amendment: Request by State Park to allow operation of NEV's (Neighborhood Electric Vehicles) w/in the State Park boundaries and on certain municipal roads (Park Superintendent Carolyn Morgen)

Superintendent Morgen discussed the DNR's desire to place NEV's in certain state parks, including High Cliff State Park, in the near future. The NEVs would only be used within the Park boundaries. First, however, the DNR is asking her to have the local municipality approve the operation of NEV's within the Park, as a local Municipal Code amendment. She is also asking the Board to waive the adopted \$350 Municipal Code Amendment fee.

The Board discussed charging the DNR only the cost of publication. The Board directed Staff to contact the 'Friends of High Cliff' to solicit the difference up to \$350, noting other groups could in the future try claiming the same 'exemption', unless the Village is paid in full according to its adopted fee structure. Staff will re-agendize the proposed ordinance amendment for consideration by the Board.

- b) Request to replace mailbox: Val Mader; W5276 Nature's Way Drive.

Per approved Policy, the Board directed Staff to reimburse Ms. Mader \$25 for mailbox replacement.

12) Complaints and Compliments: None

13) Correspondences:

- a) Request for mail box reimbursement (Mader; Feb. 3)

14) Adjournment – Thomson moved to adjourn at 7:25 p.m. Rath 2nd. Motion carried unanimously.

Minutes respectfully presented for review and approval by Randy Friday – Village Administrator
(Acting Clerk).

Village Board Meeting Minutes

February 28, 2011

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

Present	Absent
Joe Hennlich	none
Roger Kaas	
Joyce Laux	Others Present
David Miller	Randy Friday, Administrator
Carl Thomson	Susan Williams, Clerk-Treasurer
Jim Rath	Jennifer Schaff, Village Engineer
Terri Welisek	

- 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 – Regular Meeting (Feb. 14) – *Kaas moved to approve the minutes as presented. Thomson 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items
- 6) Presentation regarding Hotel & Motel Room Tax: Discuss Ordinance #06-93 imposing a room tax on overnight accommodations' gross receipts (Fox Cities Convention & Business Bureau)

Lynn Peters, Fox Cities Convention & Business Bureau, addressed the Board and explained that the Bureau is an economic development organization focusing on tourist promotion, informed the Board of the Bureau's work in the community, availability of grant access and information on the room tax (3% charged to properties which rent rooms for 30 days or less in duration; 95% of that tax funds the Bureau and 5% is retained by the Village). Peters went on to say that the Bureau in the last 25 years has made \$6.8 million in grants, with \$85,000 average grant size to municipalities and non-profits who affiliate with the Bureau.

Rath inquired as to the grant process.

Peters responded that interested organizations contact the Bureau and based on the preliminary information a determination is made whether a grant application should be completed.

Kaas stated that the Village is working on downtown development and questioned if that would be a project considered for grant application.

Peter replied that some element of downtown development could be a grant match.

Miller stated the condos down at the High Cliff Golf Course are rented out weekends for occasions and inquired of Peters if they should be taxable.

Peters recalled when the ordinance was adopted, that they were not considered taxable.

Laux stated at that time the units were rented as residences.

Peters went on to say that if the property is renting out units for 30 days or less in duration according to the language of the ordinance, they should be collecting room tax, Village businesses would be listed on the Bureau website and referred to when accommodation inquiries are made. Peters admitted the Bureau has not been assertive in contacting the Village's businesses.

Rath stated the Village businesses would welcome working with the Bureau.

Miller suggested a meeting with local businesses with the Bureau to promote their program.

Peters requested a current listing of businesses from Administrator Friday.

- 7) Report of the Utility Commission (Feb. 21): No meeting due to lack of business.
- 8) Report of Village Officers
 - a) Village President – no report
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports

Kaas inquired of the current telephone service and if the Village has researched digital options as a possible cost savings if available.

Kaas moved to approve the financial reports as presented. Rath 2nd. Motion carried unanimously.

- 9) Village Engineer: Project Update(s) – Engineer Schaff reported the aerator project is moving forward, equipment arrived last week, project is on time with original schedule, contract was awarded to August Winter & Sons (\$82,650), equipment cost of \$128,000 and completion date of April 29, 2011.

- 10) Village Administrator

Friday stated the Village newsletter will be out middle of month, yard waste site will be opening in a few weeks with the same employees as last year, the auditors are in the office this week, 3 days general fund and 2 days utility, last week met with Midwest Sports, emergency management, fire department and High Cliff State Park for triathlon planning, Friday asked the Board if interested in reviewing that application and meeting with Gloria West (Midwest Sports). Board directed Friday to review, process and sign off on application. Friday suggested to the Board in the future to consider changes to the special events ordinance (i.e. bond amount which currently is \$5,000 and amend to a higher amount). Friday stated lastly that Brett Bowe is the Calumet Count Sheriff Department's new Chief Deputy and the Village will have a new individual at the local level.

Miller inquired the status of the Village's snow plowing budget. Friday responded that the budget is fine. Miller stated that the general consensus is that the public works employees are doing a great job keeping the roads in good condition.

11) Old Business:

- a) Proposed Municipal Code amendment: Allowance of *Neighborhood Electric Vehicles (NEV)* in High Cliff State Park (Carolyn Morgen; HCSP – Superintendent)

Superintendent Morgen discussed the DNR's ordinance application and request to waive the \$350 fee.

Morgen stated the Friends of High Cliff State Park offered to pay towards publication costs related to the proposed municipal code amendment, in her experience the State has not paid fees to other municipalities for NEVs, but her position is that if the Village does not waive the fee it should be the responsibility of HCSP.

Rath suggested that the Village does not want to set a precedent in waiving the fee.

Kaas stated he is unaware of ordinances of other municipalities.

Welisek requested clarification if there is a Village ordinance that this application was proposing an amendment to.

Rath inquired about an ordinance which would cover the entire Village for the NEVs.

Friday responded there would be problems with an ordinance of that kind due to the highway in the Village (highway and NEV speed limit restrictions).

Welisek questioned if the \$350 application fee covered the legal fees.

Friday responded that he took the information from HCSP and the model established for the proposed ordinance.

Miller concurs that the Village cannot waive the fee.

Board directed Friday to inform HCSP that the fee will not be waived.

- b) Consider amending *Schedule of Fees: Extra-Territorial Certified Survey Map (CSM)* review charges

Friday reviewed with Board information from other local municipalities and Calumet County.

Laux moved to amend the schedule of fees to add Extra-Territorial Certified Survey Map (CSM) review charge of \$75. Miller 2nd. Motion carried unanimously.

12) New Business:

Morgen stated she met with the people on the master planning committee and wanted to inform the Board that the committee is ready to present their plan for Butterfly Pond to the Village Board and Friends of High Cliff State Park.

- a) *Resolution #01-2011: Proclamation supporting purchase of Anderson property (W432 Clifton Road) approved by Village Board on Jan. 24th*

Hennlich moved to approve Resolution #01-2011 (Proclamation supporting purchase of Anderson property (W432 Clifton Road) approved by Village Board action Jan. 24, 2011). Laux 2nd. Motion carried unanimously.

- b) *Resolution #02-2011: Proclamation supporting purchase of Jacobs property (N397 Military Road) approved by Village Board on Jan. 24th*

Kaas moved to approve Resolution #02-2011 (Proclamation supporting purchase of Jacob property (N397 Military Road) approved by Village Board action Jan. 24, 2011). Thomson 2nd. Motion carried unanimously.

13) Complaints and Compliments: None

14) Correspondences:

- a) *Public Hearing regarding Wind Energy Facilities and Land Preservation (County Planning Chair Alice Connors; Feb. 16) – reviewed*
- b) *Listening Sessions regarding size of Calumet County Board of Supervisors (County Clerk Beth Hauser; Feb. 22) – reviewed*

15) Adjournment – ***Laux moved to adjourn at 7:53 p.m. Welisek 2nd. Motion carried unanimously.***

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

Village Board Meeting Minutes

March 14, 2011

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

Present	Absent
Joe Hennlich	none
Roger Kaas	
Joyce Laux	Others Present
David Miller	Randy Friday, Administrator
Carl Thomson	Susan Williams, Clerk-Treasurer
Jim Rath	Jennifer Schaff, Village Engineer
Terri Welisek	

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Hennlich moved to approve the agenda as presented. Thomson 2nd. Motion carried unanimously.*
- 4) Approval of Minutes – Regular Meeting (Feb. 28) – *Kaas moved to approve the regular Village Board minutes of February 28, 2011 as presented. Rath 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items – no registered citizen comments
- 6) Report of the Plan Commission: March 7
- a) Extra-territorial Review: Certified Survey Map (CSM) request by Thomas and Paul Kuepper (Members-Kuepper Krew, LLC) to re-create two existing lots (N8540 CTH ‘N’; Parcel # 5974 [13.54 ac.] and # 5976 [4.94 ac.]), in Town of Harrison along CTH ‘N’ immediately north of STH 114, as two parcels (Lot #1 = 1.00002 ac.; Lot #2 = 18.0523 ac.)

Village Board action: *Hennlich moved to approve without object to the Extra-territorial Certified Survey Map (CSM) review request by Thomas and Paul Kuepper (Members-Kuepper Krew, LLC) to re-create two existing lots (N8540 CTH ‘N’; Parcel #'s 5974 [13.54 acres] and 5976 [4.94 acres]), in Town of Harrison along CTH ‘N’, immediately north of STH 114, as two parcels (Lot #1 = 1.00002 acres; Lot #2 = 18.0523 acres). Kaas 2nd. Motion carried unanimously.*

- 7) Report of Village Officers
- a) Village President – no report
- b) Clerk/Treasurer
- i. Review/Approve financial reports

Welisek moved to approve the financial reports as presented, with the exception of the Veolia invoice which should be short paid by the fuel surcharge amounts. Laux 2nd. Motion carried unanimously.

Board directs Clerk to obtain information on the fuel surcharge calculation and report back at the next regular meeting.

- ii. Operator's License: Heidi Alicia Bourassa

Kaas moved to approve the operator license application of Heidi Alicia Bourassa as presented. Thomson 2nd. Motion carried unanimously.

- iii. Veolia fuel surcharge

Clerk Williams presented information on the current invoice from Veolia which includes fuel surcharge.

- 8) Village Engineer: Village Engineer Schaff reports she is researching the impact of the roundabouts on the Village water line and that Tom Kispert will attend the Utility Commission meeting in her place.
- 9) Village Administrator – *Administrator Friday reports to the Board an issue related to the building of the public works garage building from a subcontractor claim and information on the Governor's Budget Bill impact on the Village workforce with portions beginning to be implemented as soon as March 26, 2011.*
- 10) Old Business: None
- 11) New Business:
 - a) *Ordinance #2011-107: Consider an Ordinance Regulating Neighborhood Electric Vehicles (NEV's) in High Cliff State Park – first reading*
 - b) *Builder Performance Bonds: Current account disposition, and, discussion of proposed Amendment to governing local ordinance*

Williams presented to the Board information on the Builder Performance Bonds account and related recommendation from the auditors in regards to resolving the outstanding balance. Williams stated the amounts have been reviewed and suggested establishing a policy to release the current funds with a published notice to all interested parties who have claim to these funds to submit in writing to the Village Clerk with identification to the bond within 60 days of the notice and the remaining funds after that time reverting to the Village. Williams further stated that to avoid this situation occurring in the future that Ordinance #55 should be amended with language placing responsibility on the developer/builder within set timeframe for the release of funds.

The Board concurred with the Clerk that the current balance should be addressed with a twice published notice and directed the Clerk to process and publish of notice for the consideration of amendment to ordinance #55 with the language presented.

- 12) Complaints and Compliments: None

13) Correspondences:

- a) *TIFD #1 Project Plan & Boundary Amendment*: Verbal approval from State of Wisconsin – Dept. of Revenue (Ehler's; March 4) – *reviewed*

- b) Request to establish *Stray animal pickup program* (East Shore Humane Assoc.; March 4) – *reviewed*

Friday presented posters for resident awareness of the future downtown development per Board discussion that will be on display at public locations in Village.

- 14) Adjournment – ***Kaas moved to adjourn at 7:43 p.m. Thomson 2nd. Motion carried unanimously.***

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

Village Board Meeting Minutes

March 28, 2011

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

Present

Roger Kaas
Joyce Laux
Jim Rath
Terri Welisek

Absent

Joe Hennlich, excused
David Miller, excused
Carl Thomson, excused

Others Present

Randy Friday, Administrator
Susan Williams, Clerk-Treasurer
Jennifer Schaff, Village Engineer

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Kaas moved to approve the agenda as presented. Rath 2nd. Motion carried unanimously.*
- 4) Approval of Minutes – Regular Meeting (Mar. 14) – *Rath moved to approve the minutes of the regular Village Board meeting March 14, 2011 as presented. Welisek 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items – none
- 6) Report of the Utility Commission: March 21
- a) WisDOT round-about project at Hwy 114 & CTH 'N' – *reviewed*

Administrator Friday updated the Board with new and on-going communications with WisDOT in regards to the revised round-about project at Hwy 114 & CTH 'N' and how it conflicts with the configuration of the Appleton-Sherwood water main and concerns of the Village's impact in the future.

Kaas stated this is a new design, the Village should obtain a disclaimer of responsibility for road damage due to possible future repairs to the water main or WisDOT should pay to relocate the main now.

Rath went on to say that the Village performed due diligence along with McMahon in the Appleton-Sherwood water main project and it appears WisDOT changed the plans for the round-about project since last year.

Schaff responded to the Kaas' question if WisDOT had provided approval for the Appleton-Sherwood water main design, stating the Village received approval of the design with a project permit.

Friday stated that the water main is in the WisDOT's right of way and the Village will have to wait and see how WisDOT treats the situation.

- b) New Meter Station & Well #5: Pay Request #7 and *Final* (Miron Constr.; \$9,687.17) for work completed thru Feb. 4, 2011 (includes lien waiver)

VILLAGE BOARD: *Rath moved to approve Pay Request #7 and Final (Miron Constr.; \$9,687.17) for work completed thru Feb. 4, 2011 (includes lien waiver) as presented. Kaas 2nd. Motion carried unanimously.*

- c) GIS implementation: Inventory of water & sewer utility assets– *reviewed*
- d) Aerator replacement: Conditional payment approval (Energenics) – *reviewed*
- e) Aerator replacement: Pay Request #2 (August Winter & Sons, Inc.; (\$2,451) for work completed thru Feb. 28, 2011 – *reviewed*
- f) Water main replacement – STH 55/114: Pay Request #3 & *Final* (PTS Contractors, Inc.; \$2,451.95) for work thru Nov. 30, 2010– *reviewed*
- g) Water main replacement – Clifton Road: Pay Request #4 & *Final* (PTS Contractors, Inc.; \$788.70) for work thru Nov. 30, 2010– *reviewed*

7) Report of Village Officers

- a) Village President – no report
- b) Clerk/Treasurer
 - i. Review/Approve financial reports – ***Rath moved to approve the financial reports as presented. Laux 2nd. Motion carried unanimously.***

Clerk Williams reported contacting Veolia in regards to the fuel surcharge on the February 2011 invoice, presented Veolia's e-mail response to the request for surcharge calculation information and stated the March invoice will include a 16.93% fuel surcharge. The Board directed Williams to request the Veolia representative to attend the April 11, 2011 Village Board meeting to discuss the fuels surcharge calculation and provide members summary of the contracts and extensions.

Kaas stated that the fuel surcharge should be assessed to the fuel costs (not entire invoice) and instead of the surcharge percent based on a zero value at \$1.36, it should be based on \$3.50 and percent increase of overage above \$3.50.

Williams also reported 131 dogs remain unlicensed in the Village and a \$5 late fee will be charged for dogs licensed beginning April 1st.

- 8) Village Engineer: Project Update(s) – Engineer Schaff reports she reviewed the municipal garage project file with Tom Kispert and there are not any outstanding amounts remaining and drafted correspondence with that information to the Village Attorney.

- 9) Village Administrator – *Administrator Friday states that the roadways of the Village annually affected by frost appear to be leveling out.*

Welisek requested if there has been a recent Calumet County Sheriff's department report submitted.

- 10) Old Business: None

- 11) New Business:

- a) *Arbor Day Proclamation: Annual proclamation in support of grant of Tree City Award*

Rath tabled until next meeting. Laux 2nd. Motion carried unanimously.

- b) *Ordinance #2011-107: Consider an Ordinance Regulating Neighborhood Electric Vehicles (NEV's) in High Cliff State Park (second reading)*

Rath tabled until receipt of High Cliff State Park \$350 fee is received. Laux 2nd. Motion carried unanimously.

- c) *Municipal Ordinance Amendment: Consider an amendment to Ordinance #55, regulating driveway, sidewalk and culvert installations and improvements, and drainage ditch maintenance, making it the responsibility of the builder or developer to reclaim any performance bond within two years from building permit issuance*

Williams stated the public hearing for this amendment is scheduled for April 11, 2011.

- 12) Complaints and Compliments: None

- 13) Correspondences:

- a) *Retirement Resolution: Arnie Lindauer (WisDNR Natural Resources Board; March 21) – reviewed*
b) *Fire Department Activity Reports: Jan-Feb-Mar., 2011 (Harrison Fire Dept.; March 21) – reviewed*

- 14) Adjournment – ***Welisek moved to adjourn at 7:28 p.m. Kaas 2nd. Motion carried unanimously.***

Village Board Meeting Minutes

April 11, 2011

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

Present

Joe Hennlich
Roger Kaas
Joyce Laux
David Miller
Carl Thomson
Jim Rath
Terri Welisek

Absent

none

Others Present

Randy Friday, Administrator
Jennifer Schaff, Village Engineer
Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Hennlich moved to approve the agenda as presented with amended agenda. Rath 2nd. Motion carried unanimously.*
- 4) Approval of Minutes – Regular Meeting (March 28) – *Kaas moved to approve the minutes of the regular Village Board meeting March 28, 2011 as presented. Rath 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items – *none*
- 6) Public Hearing: *Municipal Ordinance Amendment* – Consider an amendment to *Ordinance #55, regulating driveway, sidewalk and culvert installations and improvements, and drainage ditch maintenance*, making it the responsibility of the builder or developer to reclaim any performance bond within two years from building permit issuance.

After 3 readings for public hearing, President Miller opened the public hearing at 6:33 p.m.

President Miller closed the public hearing at 6:34 p.m.

Rath moved to approve the Municipal Ordinance Amendment to Ordinance #55, Establishing regulations, requirement and fees for driveway, sidewalk and culvert installations and improvements, and drainage ditch maintenance, adding language to section 1 C. :

Builder or developer is responsible to reclaim bond within 2 years of the date of building permit issuance. Unclaimed funds remaining after 2 years will revert to the Village.

Miller 2nd. Motion carried unanimously.

- 7) Report of the Plan Commission: April 4 (Meeting cancelled due to lack of business)

- 8) Report of Village Officers
 - a) Village President
 - i. Recognizing retiring Board Member Carl Thomson's service to Sherwood

President Miller presented to Trustee Thomson a clock stating:

"We would like to thank Carl Thomson for his 12 years of service on the Boards and Commissions, Carl served very well on the Board and PRUT Board, and this is a token of appreciation for his many years of service"

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

Laux moved to approve the financial reports as presented. Kaas 2nd. Motion carried unanimously.

Clerk Williams informed the Board that Veolia representative will be present at the next Village Board meeting to discuss the fuel surcharge.

Williams presented the election tabular report for the Board's information.

- ii. Operator's License: Mary Ellen Knecht

Hennlich moved to approve the Operator's License of Mary Ellen Knecht as presented. Thomson 2nd. Motion carried unanimously.

- 9) Village Engineer: Project Update(s) – Engineer Schaff reported the aerator project nearing completion with employee training and extension request for restoration to be presented to the Utility Commission. Schaff stated that she transferred information to WDOT's design technician for the Hwy 114/N round-about project, per Randy's request along with an invitation for their attendance at our meetings without any feedback.
- 10) Village Administrator – *Administrator Friday reported that with the storm Sunday the emergency sirens sounded, were tested and will be again the 14th at 1 p.m. and he will be working on the summer hires.*
- 11) Old Business: None
- 12) New Business:
 - a) *Resolution #03-2011 – Arbor Day Proclamation: Annual proclamation in support of grant of Tree City Award*

Kaas moved to approve Resolution #03-2011 – Arbor Day Proclamation: Annual proclamation in support of grant of Tree City Award. Laux 2nd. Motion carried unanimously.

- b) *Resolution #04-2011 – Statement of Intent to Participate in Update of Calumet County All-Hazards Mitigation Plan: Update to original plan approved by Village (March, 2007) with an undetermined cost-share (Matthew Marmor; Calumet Co. Emergency Mgmt.)*

Kaas moved to table consideration of Resolution #04-2011 – Statement of Intent to Participate in Update of Calumet County All-Hazards Mitigation Plan: Update to original plan approved by Village (March, 2007) with an undetermined cost-share (Matthew Marmor; Calumet Co. Emergency Mgmt.), until Matthew Marmor can attend a future Village Board meeting. Welisek 2nd. Motion carried unanimously.

Board directed Clerk to present previously approved resolution/ordinance and related documentation on this topic for next meeting.

- c) *Ordinance #2011-107: Consider an Ordinance regulating Neighborhood Electric Vehicles (NEV's) in High Cliff State Park (second reading; Tabled from March 28)*

Rath moved to approve Ordinance #2011-107: Ordinance regulating Neighborhood Electric Vehicles (NEV's) in High Cliff State Park. Hennlich 2nd. Motion carried unanimously.

- d) *Audit Services: Review recommendation by Audit Review Team to hire Schenck as next Village auditing firm (3-year contract; \$76,800)*

Williams, Friday and Vice-President Laux presented information on the audit firm selection process and basis for firm recommendation.

Miller moved to accept the Audit Review Team recommendation of Schenck for Village auditing for 3-year contract for a total to \$76,800 for the calendar years ending 2011, 2012 and 2013. Kaas 2nd. Motion carried unanimously.

13) *Complaints and Compliments: None*

14) *Correspondences:*

- a) *Environmental Site Assessment – Stommel Road cell tower site (EBI Consulting; March 10; Note: Lease agreement terms reviewed by legal counsel.) – reviewed and ready for signatures*
- b) *Statewide Tornado Drill – Severe Weather Awareness Week (Wisconsin Emergency Management; April 4) – reviewed*

Deputy Chief Bowe presented information on changes to the Calumet County Sheriff Department, January and February Village information, introduced the new deputy for the Village and answered questions from the Board on the status of the Hawkinson property.

Welisek requested exact information from Bowe on the status of the Hawkinson property and Kaas inquired as to the timeframe of the situation.

Trustee Thomson stated he felt privileged to have served the Village for the past 12 years, he acknowledged his gratitude to President Miller for his professionalism and the other Board members who have worked cooperatively to do what is best for the residents of Sherwood and stated appreciation for the Village Administrative Staff.

15) *Closed Session:* Discuss mediated settlement agreement to *Public Works Garage* building project per mediation whereby Village of Sherwood (owner) was named as '*Third Party Plaintiff*' in pending Calumet County Circuit Court Case (#10-CV-271) between Gersek Excavating, LLC and Ko-Bra Buildings, LLC – Per Wis. Stats. 19.85(1) (g), the Board may move to closed session when 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.

Thomson moved to go into closed session at 7:20 p.m. Rath 2nd. Motion carried unanimously.

16) *Return to Open Session:* Consider approval of mediated settlement agreement to *Public Works Garage* building project whereby Village of Sherwood (owner) was named as '*Third Party Plaintiff*' in pending Calumet County Circuit Court Case (#10-CV-271) between Gersek Excavating, LLC and Ko-Bra Buildings, LLC

Miller moved to return to open session at 7:49 p.m. Thomson 2nd. Motion carried unanimously

Thomson moved to approve the Village Attorney recommendation of mediated settlement agreement to Public Works building project and \$6,348.76 payment to Gersek Excavating with TIF #1 funds. Miller 2nd. President Miller called for voice vote: Hennlich – aye, Kaas – aye, Laux – aye, Miller – aye, Rath – aye, Thomson – aye and Welisek – aye. Motion carried unanimously.

Board directed Friday to send letter to McMahon to request consideration due to mediation.

17) Adjournment – ***Thomson moved to adjourn at 7:56 p.m. Kaas 2nd. Motion carried unanimously.***

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Special Meeting Minutes

April 18, 2011

- 1) Call to Order and Roll Call – *President Miller called the meeting to order at 5:30 p.m. with roll call:*

Present	Absent
Joe Hennlich	none
Roger Kaas	
Joyce Laux (arr 5:55)	Others Present
David Miller	Randy Friday, Administrator
Carl Thomson	Susan Williams, Clerk-Treasurer
Jim Rath	
Terri Welisek	

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Hennlich moved to approve the agenda as presented. Thomson 2nd. Motion carried unanimously.*
- 4) *Closed Session:*
- a) *Personnel & Compensation Review (Village Administrator) Note: Per Wis. Stats. 19.85(1)(c) the Board may move to close session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.*
 - b) *Personnel & Compensation Review (Village Clerk) Note: Per Wis. Stats. 19.85(1)(c) the Board may move to close session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.*

Welisek stated concerns of calling special meeting.

Welisek moved to postpone issue to next regular Village Board meeting.

Motion failed for lack of second.

Rath stated there are times when special meetings are needed, the timing of this meeting is due to the action from the State budget affecting certain but not all Village employees, the current Board hired both the Administrator and Clerk and are best able to assess their status due to the new State Repair Bill's implications on them.

Hennlich moved to go into closed session Per Wis. Stats. 19.85(1)(c) at 5:40 p.m. Thomson 2nd. Welisek opposed, motion carried.

- 5) *Return to Open Session:*
- a) *Personnel / Compensation: Consider Village Administrator employment terms*
 - b) *Personnel / Compensation: Consider Village Clerk employment terms*

Kaas moved to return to open session at 6:33 p.m. Rath 2nd. Motion carried unanimously. Welisek moved to postpone decision until next regularly scheduled Village Board meeting with Board members to e-mail Friday if they need additional information and Administrator Friday provide his list of accomplishments (for new Board members), with the intention of calling for a vote at that meeting. Laux 2nd. Voice vote; Hennlich –aye, Kaas – aye, Laux – aye, Miller – aye, Rath – aye., Thomson – aye, Welisek – aye. Motion carried unanimously.

With this being the final meeting of his office, Miller stated his appreciation to the Board for all their years of dedicated service to the Village:

“ it has been a pleasure working with everybody, and I think we have accomplished a lot of good things through the years, and I hope we continue on the road to progress and get the things done we have been talking about . . . I just want to thank everybody greatly for being together on the Board, it has been a pleasure.”

6) Adjournment - *Miller moved to adjourn at 6: 41 p.m. Thomson 2nd. Motion carried unanimously.*

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Organizational Meeting Minutes
April 25, 2011

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

Present	Absent
Bob Benz	none
Joe Hennlich	
Roger Kaas	
Joyce Laux	Others Present
Jim Rath (arr 6:45)	Randy Friday, Administrator
Terri Welisek	Susan Williams, Clerk-Treasurer
Jeff Weyenberg	

- 2) Pledge of Allegiance – *Recited*
- 3) Approval of the Agenda – *Hennlich moved to approve the agenda as presented. Kaas 2nd. Motion carried unanimously.*
- 4) Presentation of Approved Minutes – April 26, 2010 Organizational Meeting
- 5) Registered citizen comments on agenda items – *none*
- 6) Review/Approval of Rules of the Village Board – *Kaas moved to approve the Rules of the Village Board as presented. Benz 2nd. Motion carried unanimously.*
- 7) Election of Vice-President –

Weyenberg nominated Welisek for Vice-President. Hennlich nominated Laux for Vice-President. Vote for Welisek for Vice-President - aye – 2, nay – 5, nomination failed. Vote for Laux – aye – 7, nay – 0. Nomination carried unanimously.

- 8) Annual Village Board Appointments
- a) Code Administrator – *Hennlich moved to appoint Administrator Randy Friday as Code Administrator. Laux 2nd. Motion carried unanimously.*
- b) Clerk/Treasurer – *Laux moved to appoint Susan Williams as Clerk-Treasurer. Benz 2nd. Motion carried unanimously.*
- c) Assessor – *Benz moved to appoint Associated Appraisal Consultants, Inc. Assessor. Kaas 2nd. Motion carried unanimously*
- 9) Annual Appointments of Village Professionals
- a) Accountant – *Laux moved to appoint Schenck SC Village Accountant. Welisek 2nd. Motion carried unanimously.*
- b) Attorney – *Kaas moved to appoint Silton, Seifert, Carlson, Gamble SC as Village Attorney. Benz 2nd. Motion carried unanimously.*

- b) Engineer – ***Benz moved to re-appoint McMahon as Village Engineer. Hennlich 2nd. Motion carried unanimously.***

10) Election by Village Board

- a) Plan Commission/Trustee Member – 1 year term ending April 2012 – Currently seated, Joe Hennlich – ***Weyenberg nominated Laux Trustee Member to Plan Commission for 1 year term ending April 2012. Nomination carried unanimously.***
- b) PRUT Board/Trustee Member – 1 year term ending April 2012 – replacing Trustee Carl Thomson – ***Hennlich nominated Welisek Trustee Member to PRUT Board for 1 year term ending April 2012. Kaas 2nd. Nomination carried unanimously***
- c) Utility Commission/Trustee Member – 1 year term ending April 2012 – Currently seated, Roger Kaas – ***Weyenberg nominated Kaas as Trustee Member to Utility Commission for 1 year term ending April 2012.***

Friday stated that if the nomination passed, there would be three Village Board members on a five member Commission, which would be unbalanced and infrequently found.

Benz responded that he would step down if the Board finds that appropriate, there is considerable value with Rath and Kaas on Utility Commission and their knowledge of both Boards, and he (Benz) has been on the Commission for 13 years.

Weyenberg stated the Utility Commission maybe heavy with Trustees, that was not the plan, just order of sequence of residents being elected to office and would not object to members serving out their terms.

Welisek reminded the Board of last year's discussion of citizen appointments.

Hennlich 2nd. Kaas – abstain. Nomination carried.

11) Appointed by Village President/Confirmed by Village Board

- a) Board of Appeals/Citizen Member – 3 year term ending April 2014 – Currently seated, Gary Flak – ***Weyenberg appoints Gary Flak to Board of Appeals as Citizen Member for 3 year term ending April 2014. Benz 2nd. Board confirms appointment unanimously.***
- b) Community Development Authority/Citizen Member – 4 year term ending April 2015 – Currently seated, Gary Rosenbeck – ***Weyenberg appoints Gary Rosenbeck to Community Development Authority as Citizen Member for 4 year term ending April 2015. Hennlich 2nd. Board confirms appointment unanimously.***
- c) Plan Commission/Citizen Member – 3 year term ending April 2014 – Currently seated, Tom Boll – ***Weyenberg appoints John Sharer to Plan Commission as Citizen Member for 3 year term ending April 2014. Welisek 2nd.***

Rath nominated Tom Boll to Plan Commission as Citizen Member for 3 year term ending April 2014.

Weyenberg stated these are appointments by Village President and nominations are not open.

Kaas requested information on John Sharer.

Weyenberg responded with:

“John Sharer is a retired federal government employee, GS-13, CW4 US Army, 21 year US Army rotary wing pilot/standardization instructor pilot, and has experience with Boards and Committees in NATO and all around the world.”

Board confirms appointment unanimously.

- d) Plan Commission/Citizen Member – 3 year term ending April 2014 – Currently seated, Scott Sheppard – ***Weyenberg appoints Scott Sheppard to Plan Commission as Citizen Member for 3 year term ending April 2014. Laux 2nd. Board confirms appointment unanimously.***
- e) PRUT Board/Citizen Member – 3 year term ending April 2014 – Currently seated, Tom Jack – ***Weyenberg appoints Tom Jack to PRUT Board as Citizen Member for 3 year term ending April 2014. Hennlich 2nd. Board confirms appointment unanimously.***
- f) PRUT Board/Citizen Member – 3 year term ending April 2014 – Currently seated, Frank Kirschling – ***Weyenberg appoints Jean DeKeyser to PRUT Board as Citizen Member for 3 year term ending April 2014.***

Weyenberg stated Jean DeKeyser's background is from advisory boards (Harbor House and a national preoperative supply chain board) and outdoor interests.

Welisek 2nd. Hennlich - nay. Board confirms appointment.

- g) Utility Commission/Citizen Member – 5 year term ending April 2016 – Currently seated, Dick Stewart – ***Weyenberg appoints Dick Stewart to Utility Commission as Citizen Member for 5 year term ending April 2016. Benz 2nd. Board confirms appointment unanimously.***
- 12) Presentation of correspondence, resolutions, and related matters – none
- 13) Adjournment – ***Kaas moved to adjourn at 6:58 p.m. Benz 2nd. Motion carried unanimously.***

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Organizational Meeting Minutes
April 26, 2010

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:31 p.m.

Present	Absent
Joe Hennlich	David Miller, excused
Roger Kaas	Carl Thomson, excused
Joyce Laux	Others Present
Jim Rath	Randy Friday, Administrator
Terri Welisek	Jennifer Schaff, Village Engineer
	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance

- 3) Approval of the Agenda – *Kaas moved to approve the agenda. Rath 2nd. Motion carried.*

- 4) Presentation of Approved Minutes – April 27, 2009 Organizational Meeting

- 5) Registered citizen comments on agenda items

- 6) Review/Approval of Rules of the Village Board – *After Board discussion of sections of the rules, Vice President Laux suggested reviewing in the future the Board/Commission appointment process to encourage more citizen participation.*

Rath moved to approve the Rules of the Village Board with the proposed changes presented in the Board packet. Hennlich 2nd. Welisek nay. Motion carried.

- 7) Election of Vice-President - *Rath moved to nominate Joyce Laux as Vice President. Kaas 2nd. Laux abstain. Motion carried.*

- 8) Annual Village Board Appointments

- a) Code Administrator - *Hennlich moved to appoint Randy Friday as Code Administrator. Kaas 2nd. Motion carried.*

- b) Clerk/Treasurer - *Kaas moved to appoint Susan Williams Clerk-Treasurer. Rath 2nd. Motion carried.*

- c) Assessor - *Rath moved to appoint Associated Appraisal Consultants, Inc. as Village Assessor. Laux 2nd. Welisek abstain. Motion carried.*

- 9) Annual Appointments of Village Professionals

- a) Accountant - *Rath moved to reappoint Baker Tilly Virchow Krause as Village Accountant. Hennlich 2nd. Welisek abstain. Motion carried.*

- b) Attorney - *Rath moved to reappoint Sifton, Seifert, Carlson, Gamble SC as Village Attorney. Hennlich 2nd. Motion carried.*

- c) Engineer - ***Rath moved to reappoint McMahon Group as Village Engineer. Hennlich 2nd. Welisek abstain. Motion carried.***

10) Election by Village Board

- a) Community Development Authority/Trustee Member – concurrent with Trustee term of office replaces Trustee Barribeau - ***Rath moved to appoint Hennlich to a two-year term as Trustee Member of the Community Development Authority ending April 2012. Kaas 2nd. Hennlich abstain. Motion carried.***
- b) Plan Commission/Trustee Member – 1 year term ending April 2011 – replacing Trustee Barribeau – ***Rath moved to appoint Hennlich to a one-year term as Trustee Member of the Plan Commission ending April 2011. Kaas 2nd. Hennlich abstain. Welisek nay. Motion carried.***
- c) PRUT Board/Trustee Member – 1 year term ending April 2011 – Currently seated, Carl Thomson - ***Kaas moved to reappoint Thomson to a one-year term as Trustee Member of the PRUT Board ending April 2011. Hennlich 2nd. Motion carried.***
- d) Utility Commission/Trustee Member – 1 year term ending April 2011 – Currently seated, Roger Kaas - ***Rath moved to reappoint Kaas to a one-year term as Trustee Member of the Utility Commission ending April 2011. Hennlich 2nd. Kaas abstain. Motion carried.***

11) Appointed by Village President/Confirmed by Village Board

- a) Board of Appeals/Citizen Member – 3 year term ending April 2013 –Currently seated, Tom Jack – ***Kaas moved to confirm appointment of Tom Jack to the Board of Appeals as Citizen Member for a 3 year term ending April 2013. Hennlich 2nd. Motion carried.***
- b) Community Development Authority/Citizen Member – 4 year term ending April 2014 – Currently seated, Cheryl Dewing – ***Hennlich moved to confirm appointment of Cheryl Dewing to the Community Development Authority as Citizen Member for a 4 year term ending April 2014. Kaas 2nd. Welisek abstain. Motion carried.***
- c) Plan Commission/Citizen Member – 3 year term ending April 2013 – Currently seated, Kathy Salo – ***Kaas moved to confirm appointment of Kathy Salo to the Plan Commission as Citizen Member to a 3 year term ending April 2013. Rath 2nd. Motion carried.***
- d) PRUT Board/Citizen Member – 3 year term ending April 2013 – Currently seated, Matt Gehl – ***Hennlich moved to confirm appointment of Matt Gehl to the PRUT Board as Citizen Member to a 3 year term ending April 2013. Rath 2nd. Motion carried.***
- e) Utility Commission/Citizen Member – 5 year term ending April 2015 – Currently seated, Milan Deprez – ***Kaas moved to confirm appointment of Milan Deprez to the Utility Commission as Citizen Member to a 5 year term ending April 2015. Rath 2nd. Motion carried.***

12) Presentation of correspondence, resolutions, and related matters – None

13) Adjournment - ***Rath moved to adjourn at 7:27 p.m. Kaas 2nd. Motion carried.***

Respectfully submitted for review and approval by Susan M. Williams, Village Clerk.

Village Board Meeting Minutes

April 25, 2011

- 1) Call to Order and Roll Call – *President Weyenberg called the meeting to order at 7:00 p.m. with roll call:*

Present	Absent
Bob Benz	none
Joe Hennlich	
Roger Kaas	
Joyce Laux	Others Present
Jim Rath	Randy Friday, Administrator
Terri Welisek	Jennifer Schaff, Engineer
Jeff Weyenberg	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *Recited*

- 3) Approval of the Agenda –

Hennlich moved to advance agenda item #13 a) to follow #6. Rath 2nd. Motion carried unanimously.

Kaas moved to approve the agenda as amended. Benz 2nd. Motion carried unanimously.

- 4) Approval of Minutes

a) Regular Meeting (April 11) – *Welisek moved to approve the minutes of the Regular Village Board meeting of April 11, 2011 as presented. Kaas 2nd. Motion carried unanimously.*

b) Special Meeting (April 18) – *Hennlich moved to approve the minutes of the Special Village Board meeting of April 18, 2011 as presented. Rath 2nd. Motion carried unanimously.*

- 5) Registered Citizen Comments on Agenda Items – *none*

6) All-Hazards Mitigation Plan (Matthew Marmor; Calumet County Emergency Management) Matthew Marmor, Calumet County Emergency Management Director, presented background information on the Calumet County All-Hazards Mitigation Plan and requested Village's participation in updating the Plan.

Rath inquired as to what unit of government will be responsible for the costs related to the Plan.

Marmor stated that local units will incur soft matches (i.e.: the Village Board meeting, Administrator's time, etc.) to a grant that the County will receive.

- 7) Report of the Utility Commission – April 18

a) WisDOT Round-about placement at STH 114 & CTH 'N' intersection – *reviewed*

- b) Aerator replacement project at WWTF – *reviewed*
 - c) Sewer Service Area Report (Fire Lane #12 & #13) – *reviewed*
 - d) Aerator: Approved *Change Order #1* (August Winter & Sons; \$1994.48) – *reviewed*
 - e) Aerator: Approved *Request for time extension* (landscape restoration) – *reviewed*
 - f) Water Main Break: Queens Court on April 11 – *reviewed*
- 8) Report of the PRUT Board (Parks, Rec. & Urban Trees) – April 20
- a) *'Bird City Communities'* (presentation by Carl Schwartz) – *reviewed*
 - b) *Pavilion improvements (bleachers)*: Request to expend up to \$25k by *Sherwood Lions Football* program to purchase new bleachers and turn over to the Village as an asset and insurance obligation – *reviewed*
 - c) Trail construction in FY2011 – Extend Miller Pond section to Pigeon Road – *reviewed*
- 9) Report of Village Officers
- a) Village President – *none*
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – ***Laux moved to approve the financial reports as presented. Hennlich 2nd. Motion carried unanimously.***
- 10) Village Engineer
- a) Project update(s) – Engineer Schaff stated restoration is on-going from 2010's trail project and working on a response to Village correspondence.
- 11) Village Administrator
- a) Summer DPW hires – *Administrator Friday reports the interview process is on-going.*
 - b) Copier update – *Friday presented staff generated information on current equipment, lease terms and timeframe for equipment renewals.*
- 12) Old Business
- a) *Resolution #04-2011: Participation in Calumet County All-Hazards Mitigation Plan*
- Benz moved to approve Resolution #04-2011: Participation in Calumet County All-Hazards Mitigation Plan. Hennlich 2nd. Roll call vote; Benz – aye, Hennlich – aye, Kaas – aye, Laux – aye, Rath – aye, Welisek – nay, Weyenberg – aye. Motion carried.***
- 13) New Business
- a) Refuse collection cost: *Fuel Surcharge* cost applied to Sherwood monthly bill (Scott Van Havern; Veolia)

Friday began the discussion stating fuel prices in 2008 spiked and Scott VanHavern requested an amendment to the extension to include a fuel surcharge clause.

VanHavern stated in 2008, there was a short term increase in fuel, the surcharge was assessed and then removed once prices dropped. VanHavern went on to say the chart upon which the surcharge is calculated is an industry standard chart which utilizes national averages.

Kaas questioned VanHavern about the chart beginning at \$1.36 for fuel and stated concerns that the Village has been paying cost of living/consumer price index increases over the years which would accommodate changes in fuel prices.

VanHavern stated the years of 2005, 2006, 2008 and 2009 the Village did not have increases in pricing and the company has been stable with the cost of living changes.

Kaas inquired why the fuel surcharge is a step change and stated it should be gradual change as the fuel prices increase.

Friday stated that Veolia has performed their services well, but local governments are limited by levy caps.

VanHavern responded that Veolia has been attempting to keep costs down through refusing increases from the landfill and stated the Village could automate their recycling program.

Kaas and Rath requested VanHavern to address Veolia management as to the manner in which the fuel surcharge is calculated.

14) Complaints and Compliments: None

15) Correspondences:

- a) Recycling Grant (61%; \$6,958) awarded to Sherwood for FY2011 (WisDNR; April 15) – reviewed
- b) Monthly Police Report (Calumet County Sheriff's Dept.; April 20) – reviewed
- c) Monthly Fire Report (Harrison Fire & Rescue; April, 20) – reviewed

16) Closed Session:

- a) *Personnel & Compensation Review (Village Administrator)* Note: Per Wis. Stats. 19.85(1) (c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- b) *Personnel & Compensation Review (Village Clerk)* Note: Per Wis. Stats. 19.85(1) (c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Welisek moved to go in to closed session per Wis Stats. 19.85(1) (c) at 8:23 p.m. Laux 2nd. Motion carried unanimously.

Kaas moved to return to open session at 10:15 p.m. Benz 2nd. Motion carried unanimously.

17) *Return to Open Session:*

a) *Personnel / Compensation:* Consider Village Administrator employment terms

Weyenberg moved to approve a one-year extension of the current employment contract terms for Village Administrator Randy Friday. The contract will now run thru FY2012, keeping the base terms of the original contract, including a 3% pay increase. Hennlich 2nd. Motion carried unanimously.

b) *Personnel / Compensation:* Consider Village Clerk employment terms

Weyenberg moved to approve a one-time make up provision in FY2011 for Village Clerk-Treasurer Susan Williams at an amount equal to, but not to exceed, the amount of the (ETF) Retirement Plan employee contribution share, currently 5.8%, that would otherwise have been paid out in the FY2011 adopted Budget, if/when the Governor Walker-sponsored State Budget Bill becomes effective. Kaas 2nd. Motion carried unanimously.

18) Adjournment – ***Kaas moved to adjourn at 10:19 p.m. Benz 2nd. Motion carried.***

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Meeting Minutes

May 9, 2011

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

Present	Absent
Bob Benz	none
Joe Hennlich	
Roger Kaas	
Joyce Laux	Others Present
Jim Rath	Randy Friday, Administrator
Terri Welisek	Jennifer Schaff, Engineer
Jeff Weyenberg	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *Recited*

- 3) Approval of the Agenda –

Weyenberg moved to amend the agenda to allow Josiah Dempsey (resident) to speak to the Board on non-agenda item after the agenda approval. Kaas 2nd. Motion carried unanimously.

Hennlich moved to approve the agenda as amended. Benz 2nd. Motion carried unanimously.

- 4) Approval of Minutes
a) Organizational Meeting – April 25

Laux moved to approve the April 25, 2011 organizational meeting of the Village Board as presented. Benz 2nd. Motion carried unanimously.

- b) Regular Meeting – April 25

Kaas moved to approve the April 25, 2011 regular meeting of the Village Board as presented. Benz 2nd. Motion carried unanimously.

- 5) Registered Citizen Comments on Agenda Items
Josiah Dempsey, W270 Kings Way, Sherwood – in regards to non-agenda item farmers market in the Village

- 6) Report of the Plan Commission: May 2 (Meeting cancelled due to lack of business)

- 7) Report of Village Officers
a) Village President – none

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

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

- ii. Operator's Licenses:
 - Aubrey Kroiss
 - Mitchell Michiels
 - Samantha Wippich

Michiels addressed the Board.

Rath moved to approve the operator license applications as presented. Laux 2nd. Motion carried unanimously.

Clerk Williams informed the Board of the Calumet County public hearing on Redistricting on May 17, 2011.

- 8) Village Engineer: Project Update(s) (Knight Drive) – Engineer Schaff presented and explained maps, road design options and outline for the Knight Drive project.

Board directed Schaff to present additional information (on street parking space capacity, access points to business properties, etc.) and costs for road design options.

- 9) Village Administrator

- 10) Old Business: None

- 11) New Business:

- a) *PILOT Agreement with Sherwood Cliff Apartments*: Consider recent billing(s) and payment(s)

Williams presented a memo, communications and information related to the PILOT Agreement with Sherwood Cliff Apartment complex to the Board and explained that the management of the complex would like to address the Board.

Board directed Williams to contact the management company and invite them to a future meeting.

- 12) Complaints and Compliments: None

- 13) Correspondences:

- a) McMahon response to Village Board request regarding *Public Works Garage* project (Jeff Kellner; May 2) – *reviewed*

- 14) Adjournment – ***Rath moved to adjourn at 7:50 p.m. Benz 2nd. Motion carried unanimously.***

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Meeting Minutes

May 23, 2011

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

Present	Absent
Bob Benz	Terri Welisek, excused
Joe Hennlich	Randy Friday, Administrator, excused
Roger Kaas	
Joyce Laux	Others Present
Jim Rath	Jennifer Schaff, Engineer
Jeff Weyenberg	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Hennlich moved to approve the agenda as presented. Benz 2nd. Motion carried unanimously.*
- 4) Approval of Minutes – May 9 (Regular Meeting) – *Benz moved to approve the minutes of the regular Village Board meeting May 9, 2011 as presented. Kaas 2nd. Motion carried unanimously.*

Benz moved to advance agenda item 12 b). Hennlich 2nd. Motion carried unanimously.

Laux moved to advance agenda item 14 d). Benz 2nd. Motion carried unanimously.

Rath moved to advance agenda item 14 c). Benz 2nd. Motion carried unanimously.

Benz moved to advance agenda item 11 a). Rath 2nd. Motion carried unanimously.

Weyenberg moved to advance agenda item 12 a). Benz end. Motion carried unanimously.

- 5) Registered Citizen Comments on Agenda Items

– regarding agenda item 12 b)

Mark Hubeny, W450 Clifton Rd., Sherwood – regarding agenda item 14 c)

Marilyn Nettekoven, W3938 Schaefer Rd., Menasha – regarding agenda item 11 a)

Tony Reese, N585 Castle Dr., Sherwood – regarding agenda item 11 a)

Craig Moore, 805 Matthew Ln., Kaukauna – regarding agenda item 12 a)

- 6) Report of the Utility Commission – May 6 (Special Meeting) – WisDOT Round-about placement at STH 114 & CTH ‘N’ intersection – *reviewed*
- 7) Report of the Utility Commission – May 16 (Regular Meeting)
 - a) Sewer Service Area Report (Fire Lane #12 & #13) – *reviewed*
 - b) WisDOT Round-about placement at STH 114 & CTH ‘N’ intersection – *reviewed*
 - c) Appoint Commission Chairperson (Dick Stewart) – *reviewed*
 - d) Aerator: Approved *Pay Request #3* (August Winter & Sons; \$72,836.86) – *reviewed*

- 8) Report of Village Officers
- a) Village President – none
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – *Rath moved to approve the financial reports as presented. Benz 2nd. Motion carried unanimously.*
 - ii. Unclaimed Builder Performance Bonds: Update – *reviewed*
 - iii. Operator’s Licenses:
 - Amy Marie Redeker
 - Sarah J. Birschbach

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

- 9) Village Engineer
- a) Project update(s)

Schaff stated Badger Highways will be performing restoration on trail project, and the Village Attorney has communicated a proposed solution to close the outstanding lien waivers of MCC on the Lakeshore Estates West II 2010 road construction.

- 10) Village Administrator

- 11) Old Business

- a) Knight Drive (extension): Consider roadway layout & alignment, street improvement options, estimated project costs and special assessments

Schaff presented information and maps of the Knight Drive extension options.

Kaas questioned Schaff about the additional road option that he requested at the last Village Board meeting.

Weyenberg moved to suspend the Rules of the Village Board to allow individuals from Legacy Communications (Paul Tikalsky, W599 Veterans Ave., Sherwood) to address the Board. Laux 2nd. Motion carried unanimously.

- b) Knight Drive (extension) – Engineering: Consider professional services agreement w/ McMahon regarding *Preliminary Engineering* project work

Kaas questioned if these services were part of the general engineering agreement with the Village.

Schaff stated that the work on the Knight Drive extension is outside of that scope, since the general engineering agreement with the Village is for as needed requests for specific work under \$5,000 in nature, and this project developed as a series of different tasks that were requested over a period of time.

Benz moved to approve professional services agreement with McMahon for Preliminary Engineering project for Knight Drive extension work not to exceed \$7,100. Laux 2nd. Motion carried unanimously.

12) New Business

- a) Special Event Permit Request (per Ordinance #05-91): Benefit for Pancreatic Cancer Action Network (Craig Moore)

Moore presented information to the Board for a special event permit request.

Rath moved to table request. Kaas 2nd.

Rath moved to withdraw the motion. Kaas 2nd.

Rath moved to conditionally approve the special event permit request for benefit for Pancreatic Cancer Action Network contingent upon either proof of insurance submitted to Village office or approval of the waiver by the Village Attorney. Hennlich 2nd. Motion carried unanimously.

- b) Sherwood Cliff Apartments – PILOT Agreement and payment(s)

Chris Hand, Wisconsin Management Company, Madison presented information to the Board on the financial status of the Sherwood Cliff Apartments, a plan to solve the financial situation, a request for 100% relief of the 2010 PILOT payment and a request to begin a dialogue with the Village in regards to the PILOT agreement.

Benz inquired if Hand knew how many existing residents are from Sherwood and how long the cash reserves will last in the current situation.

Hand did not know if the tenants came from Sherwood and projects the current reserves to last a year or two.

Rath questioned that a management company which is designed to make money and bring the property to a positive cash flow and why Village residents should subsidize.

Hand stated their management fee for the Sherwood Cliff apartment is \$48.50/occupied unit per month whether the property makes money or not.

Rath inquired if proposed plan is approved how long it will take to build up the reserves.

Hand replied that they should be able to rent 5 apartments within 5 to 6 months.

Benz understands the situation at the property, but is unable to support 100 % relief of the 2010 PILOT payment and proposed a lesser rate.

Weyenberg stated that residents are making difficult financial decisions and he (Weyenberg) is struggling to provide 100% relief.

Laux suggested deferring the payment until later in the year. Kaas and Rath concurred with the deferral.

Hennlich requested Hand to report back to Staff after approval of plan to improve property situation.

Kaas suggested additional discussions between Hand and Staff for the terms of the deferral of the 2010 PILOT payment.

13) Complaints and Compliments: None

14) Correspondences:

a) Room tax applicability at *High Cliff Resort Suites* (Norman Coenen; April 22) – *reviewed*

b) TID Re-determined Base Value (State of Wisconsin Dept. of Revenue; May 11) – *reviewed*

c) Citizen request for reinstatement of *Constable* position/office (Mark Hubeny; May 11) – *reviewed*

d) Monthly Police Report (Calumet County Sheriff's Dept.; May 16) – *reviewed*

15) Adjournment – *Kaas moved to adjourn at 8:45 p.m. Benz 2nd. Motion carried unanimously.*

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Meeting Minutes

June 13, 2011

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

Present	Absent
Bob Benz	none
Joe Hennlich	
Roger Kaas	
Joyce Laux	Others Present
Jim Rath	Jennifer Schaff, Engineer
Terri Welisek	Randy Friday, Administrator
Jeff Weyenberg	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *recited*
- 3) Approval of the Agenda – *Weyenberg moved to advance agenda item 11 a) to immediately follow item 4). Hennlich 2nd. Motion carried unanimously.*

By unanimous consent, the agenda as presented and amended was approved.

- 4) Approval of Minutes – Regular Meeting (May 23) – *Benz moved to approve the minutes of the regular Village Board meeting May 23, 2011 as presented. Rath 2nd. Motion carried unanimously.*
- 5) Registered Citizen Comments on Agenda Items

Tony Reese, N585 Castle Dr., Sherwood – regarding agenda item 8)
Paul Tikalsky, N3119 Eckert Lakeland Dr., Chilton – regarding agenda item 8)
John Slotten, W5785 Hwy 114, Menasha – regarding agenda item 11) b
Craig Van Beek, W6380 Design Dr., Greenville regarding agenda item 11) b
Dave Schmalz, McMahan, Neenah – regarding agenda item 6)

- 6) Report of the Plan Commission: June 6
- a) Extra-territorial CSM: CSM request by W. Schmalz (McMahon) proposing a 3-lot Certified Survey Map for the property located at N8340 Fire Lane # 12 (Parcel # 6385; 11.571 ac.) creating 3 lots: Lot 1 = 1.814 ac.; Lot 2 = 3.186 ac.; Lot 3 = 6.571 ac. and includes the existing residence.

VILLAGE BOARD: *Kaas moved to approve without object to the Extra-territorial Certified Survey Map (CSM) review request by W. Schmalz (McMahon) proposing a 3-lot Certified Survey Map for the property located at N8340 Fire Lane # 12 (Parcel # 6385; 11.571 ac.) creating 3 lots: Lot 1 = 1.814 ac.; Lot 2 = 3.186 ac.; Lot 3 = 6.571 ac. and includes the existing residence. Benz 2nd. Motion carried unanimously.*

- b) Consider *Dark Sky lighting ordinance amendment* – reviewed

- 7) Report of Village Officers
a) Village President
i. Gov. Walker speaks at Fox Cities Chamber of Commerce – *reviewed*

Weyenberg presented information on the Governor's talk and communication from Fox Cities Chamber of Commerce not included in meeting packet, and inquired if Trustees had questions or comments. Friday stated and Weyenberg concurred that this maybe an opportunity to convene the Community Development Authority. Rath suggested including the Village businesses, non-profits and churches in any meetings with the Chamber.

- ii. Walk with Walker at High Cliff State Park – *reviewed*

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

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

- ii. Operator's Licenses:
• Brittini Joy Peterson
• Carlyn Knickelbein
• Alicia Biesterveld

Rath moved to approve the operator license applications of Brittini Joy Peterson and Carlyn Knickelbein as presented. Benz 2nd. Motion carried unanimously.

Rath moved to table the Alicia Biesterveld application until the next Village Board meeting. Hennlich 2nd. Motion carried.

Board directed Clerk Williams to request Ms. Biesterveld's presence at the June 27, 2011 Village Board meeting, to contact Chief Deputy Bowe for information on the timeliness of the records check information and any additional information available .

- 8) Village Engineer: Knight Drive Roadway Extension Project (Option 'E') – Engineer Schaff presented map and information on one option of the Knight Drive Roadway Extension Project.

Friday inquired as to the next steps in the project process. Rath stated that the Village needs to resolve the land negotiation items with the property owners.

Benz moved to engage McMahon to begin design phase for Option 'E' of Knight Drive Roadway Extension Project, for existing businesses and relative variables in order to provide more accurate estimates of total costs,. Kaas 2nd.

Weyenberg inquired if motion included "yellow section – Legacy Communications service road. "

Benz requested that information as options.

Kaas stated it could be a "to be determined" item.

Motion carried unanimously.

Weyenberg inquired, if it pleased the Board to place on the agenda a closed session agenda item for discussion of land swap, assessment and values with property owners.

9) Village Administrator: None

10) Old Business: None

11) New Business:

a) *Recognition of Service:* Presentation of Award to Village President David Miller

Vice President Laux presented a plaque to former President Miller for service to Sherwood stating: "In appreciation of your hard work and leadership as Village President and Board Member on the Village Board, Board of Review, Utility Commission, Plan Commission and Community Development Authority from 1980 to 2011."

b) Request by Northeast Asphalt for *cost-sharing* on 950' section of Pigeon Road reconstruction (see *Correspondences*)

Benz moved to deny request of Northeast Asphalt, Inc. for cost sharing on 950' section of Pigeon Road reconstruction. Welisek 2nd. Weyenberg – nay, Kaas – nay, motion carried.

c) *Resolution #06-2011: Dividing the Village of Sherwood into Wards per Wis. Stats 5.15*

Laux moved to approve Resolution #06-2011: Dividing the Village of Sherwood into Wards per Wis. Stats 5.15. Hennlich 2nd. Motion carried unanimously.

12) Complaints and Compliments: None

13) Correspondences:

a) Harrison Fire & Rescue – May Activity Report – *reviewed*

b) Pigeon Road Asphalt Restoration (Northeast Asphalt, Inc.; June 3 & June 7) – *reviewed*

14) Adjournment – ***By unanimous consent, the meeting adjourned at 8:15 p.m.***

Respectfully presented for review and approval by Susan Williams, Village Clerk

Village Board Meeting Minutes

June 27, 2011

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

Present	Absent
Bob Benz	none
Joe Hennlich	
Roger Kaas	
Joyce Laux	Others Present
Jim Rath	Jennifer Schaff, Engineer
Terri Welisek	Randy Friday, Administrator
Jeff Weyenberg	Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance – *recited*

- 3) Approval of the Agenda –

Benz moved to advance agenda item 13 c) to immediately following agenda item 4. Motion carried unanimously.

By unanimous consent, the agenda as amended and presented was approved.

- 4) Approval of Minutes – June 13 – *Rath moved to approve the minutes of the regular Village Board meeting of June 13, 2011 as presented. Benz 2nd. Motion carried unanimously.*

- 5) Registered Citizen Comments on Agenda Items

Tony Reese, N585 Castle Dr., Sherwood – regarding agenda item 14
Scott Hackel, N7952 Creekside Dr., Sherwood – regarding agenda item 13 c)
Frank Colwell, N7961 Creekside Dr., Sherwood – regarding agenda item 13 c)
Paul Tikalsky, N3119 Eckert Lakeland Dr., Chilton – regarding agenda item 14
Marilyn Nettekoven, W3938 Schaefer Rd., Menasha – regarding agenda item 14

- 6) Report of the Utility Commission – June 20
 - a) *Resolution #05-2011: CMAR – Annual Report*

Village Board: Welisek moved to approve the Resolution #05-2011: CMAR – Annual Report. Hennlich 2nd. Motion carried unanimously.

- b) Billing: Consider change to water & sewer bills – *reviewed*
- c) Back-up sump pump: Consider allowance connected into water supply – *reviewed*
- d) Request for water payment reduction: *Frogg's Ice Cream (denied) – reviewed*

- e) Aerator Replacement: Approved *Pay Request #4 & Final* (August Winter & Sons; \$6,241.62) – *reviewed*
 - f) Aerator Replacement: Approved *Pay Request #2 & Final* (Energenics, Inc.; \$17,800) – *reviewed*
 - g) *Resolution #2011-07*: Acceptance of new water source-related project(s) – *reviewed*
 - h) Replace right-angle gear drive for clarifier (non-budgeted; approved) – *reviewed*
- 7) Report of Village Officers
- a) Village President
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – ***Benz moved to approve the financial reports as presented. Kaas 2nd. Motion carried unanimously.***
 - ii. Operator’s License(s):
 - Jessica L. McGrath

Welisek moved to approve the operator license application of Jessica L. McGrath as presented. Benz 2nd. Motion carried unanimously.

- Alicia M. Biesterveld

Rath moved to approve the operator license application of Alicia M. Biesterveld as presented with an expiration date of June 30, 2012. Laux 2nd. Roll call vote: Benz – nay, Hennlich – nay, Kaas – nay, Laux – aye, Rath – aye, Welisek – nay, Weyenberg – nay. Motion failed.

- iii. Clerk’s Consent Agenda (Cigarette & Tobacco licenses; Appointment of Agent by Corporation; Original Alcohol & Beverage license; Renewal Alcohol & Beverage licenses)

Kaas moved to approve the Clerk’s Consent Agenda (Cigarette & Tobacco licenses; Appointment of Agent by Corporation; Original Alcohol & Beverage license; Renewal Alcohol & Beverage licenses) as presented with Almost Johnny’s Inc. application approval being conditioned on the applicants providing proof of ownership/legal lease and payment of remaining license fees. Rath 2nd. Motion carried unanimously.

- iv. Meeting protocol and *Minutes* preparation – *reviewed*

- 8) Village Engineer
 - a) Contract for Services (McMahon; Knight Drive Extension): Consider/Approve terms

Benz moved to approve the professional services contract with McMahon for topographical survey of Knight Drive Extension (option E) not to exceed \$4,300. Rath 2nd. Motion carried unanimously.

- 9) Village Administrator
a) Placement of *Firearms Prohibited* signage on public properties

Benz moved to erect on all Village properties a no concealed weapons allowed on this property sign as identified on page 69 of the Board meeting packet as item #43465. Hennlich 2nd.

Weyenberg moved to amend the motion to include "entrances to legally permissible structures". Benz concurred with amendment. Hennlich 2nd.

Main motion carried unanimously as amended.

- b) Fund *Market Analysis* using Tax Increment District (TID) funds (unbudgeted) w/in proposed Knight Drive Extension area designated for future commercial growth

Welisek moved to table the issue until next Village Board meeting. Benz 2nd. Hennlich – nay, Kaas – nay, Laux – nay, Rath – nay, Weyenberg – nay. Motion failed.

Hennlich moved to approve funding broad based Market Analysis using Tax Increment District (TID) funds (unbudgeted) w/in proposed Knight Drive Extension area designated for future commercial growth not to exceed \$7,500 (include all commercial property types). Rath 2nd. Benz – nay, Welisek – nay. Motion carried.

- 10) Old Business: None

- 11) New Business

- a) *Resolution #2011-08: A Resolution stating Village Board acceptance of new Water Source-related project (transmission main; pump house)*

Benz moved to approve Resolution #2011-08: A Resolution stating Village Board acceptance of new Water Source-related project (transmission main, meter station and pump house). Kaas 2nd. Motion carried unanimously.

- b) Annual St. John-Sacred Heart Parish Picnic (Aug. 6 & 7): Consider/Approve Application for Temporary Class 'B'/'Class B' Retailer's License

Kaas moved to approve Annual St. John-Sacred Heart Parish Picnic (Aug. 6 & 7): Consider/Approve Application for Temporary Class 'B'/'Class B' Retailer's License. Benz 2nd. Motion carried unanimously.

- 12) Complaints and Compliments: None

- 13) Correspondences:

- a) Water line valve adjustments to new water main at CTH 'N' (Sen. Frank Lasee; June 12) – *reviewed*
- b) Monthly Police Report (Calumet County Sheriff's Dept.; June 20) – *reviewed*
- c) Request to place 3- or 4-way 'Stop sign' at Nature's Way & Creekside Drive intersection (Hackel; June 21) – *reviewed*

Friday suggested using summer help to conduct traffic study, count movements and assess vehicular traffic in neighborhood.

Rath inquired if Calumet County Sheriff Department could conduct more speed enforcement in the area.

Hennlich suggested requesting the speed board.

- 14) *Closed Session: Knight Drive Extension – Consider roadway layout & alignment, street improvement options, estimated project costs and special assessments per land purchase(s) and/or land swap(s). Note: Per Wis. Stats. 19.85 (1) (e), the Village Board may enter into closed session when “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session.”*

Benz moved to go into closed session per Wis Stats. 19.85(1) (e) at 8:16 p.m. Laux 2nd. Motion carried unanimously.

- 15) *Open Session: Knight Drive Extension – Consider/Approve roadway layout & alignment, Street improvement options, estimated project costs, land purchases and/or swaps, and estimated special assessments for parcels affected by future construction.*

Rath moved to go to return to open session per Wis Stats. 19.85(1) (e) at 10:33 p.m. 2nd. Motion carried unanimously.

- 16) *Adjournment – Rath moved to adjourn at 10:34 p.m. Laux 2nd. Motion carried unanimously.*

Respectfully presented for review and approval by Susan Williams, Village Clerk