

# Village Board Meeting Minutes

Jan. 8, 2018

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

***Present***

*Bob Benz  
Joe Hennlich  
Roger Kaas  
Joyce Laux  
David Miller  
Lisa Ott  
Kathy Salo*

***Absent***

*None*

***Others Present***

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

- 2) Pledge of Allegiance. – recited.
- 3) Approval of the Agenda. – ***Benz moved to approve the agenda as presented. Hennlich 2<sup>nd</sup>. Motion carried unanimously.***
- 4) Approval of Minutes: Dec. 11 (Regular Meeting). – ***Benz moved to approve the regular minutes of the Village Board meeting of December 11, 2107 as presented. Kaas 2<sup>nd</sup>. Benz requested the minutes include the question he posed to the registered citizens if they knew the property was available if they would have been interested in purchasing and all had responded yes. The approval of the minutes as modified carried unanimously.***
- 5) Registered Citizen Comments on Agenda Items.

Devon Englebreton, Cypress Homes, Appleton – regarding agenda item 8) g), requesting support of the Clinefelter CSM.

Betty Kress, N504 Military Rd., Sherwood – regarding agenda item 12) b), questioned if there is a plan for the building construction and stated the project has run a neighbor out of the Village.

*Friday stated a Certified Survey Map is to survey off property, it does not indicate positions of buildings on the land. Friday informed the Board Van's contacted him earlier in the day stating they will not do the project at this time because of the resident comments at December 11, 2017 Village Board meeting.*

Jason Lemanski, W400 Stumpf Ave., Sherwood – regarding agenda item 12) b), recapped the process, including but not limited to the Request For Proposal, Friday's offer, the Village Board's acceptance, the Community Development Authority grant awarded and questioned why there was not a "public offering", and predicted how property values will change.

Michael Wirtz, N502 Military Rd., Sherwood – regarding agenda item 12) b), voiced concern his questions from the December 11, 2017 Village Board have not been answers and asked them again.

Dave Schmalz, McMahon, Neenah – regarding agenda item 8) e) and f), voiced support of the rezoning petition and the certified survey map and would answer questions the Board has.

- 6) Public Hearing: Rezoning Petition #2018-01 (Stumpf) to change N465 Lorraine Street (0.787 ac.) from R-1A zoning & W442 Stumpf Ave. land (home) currently zoned C-1 (Commercial) to R-1 (Single-family), matching R-1 zoning of W442 Stumpf Ave. (garage structure).

*After 3 calls Laux opened the public hearing at 6:46 p.m.*

***Salo moved to close the public hearing at 6:47 p.m. Hennlich 2<sup>nd</sup>. Motion carried unanimously.***

- 7) Report of the Community Development Authority (Dec. 20)
  - a) *50/50 Business Matching Grant Program (LugNut Bar & Grill, LLC)*. Authorized disbursement of \$10,000 grant funds.

*Kaas explained the grant and informed the Board of the funds released.*

- b) *50/50 Business Matching Grant Program (Corey Feller Golf Academy)*. Authorized disbursement of \$10,000 grant funds.

*Kaas explained the grant and informed the Board of the funds released.*

*Kaas stated buyers (Stonsthagen) of High Cliff Studio addressed their intent with the building of establishing a pottery studio and retail store. Kaas informed the Board their background is working in the pottery business for 18 years and marketing, so the CDA waived their right of first refusal.*

*Kaas reported attending the open house of the daycare. Friday projected pictures of the daycare on the Board Room wall and Kaas stated he was impressed with the work that was done at the property.*

*Benz asked what was the enrollment of the daycare and Kaas responded he thought it was 40. Benz questioned Kaas if Lugnuts was up for sale. Kaas replied he heard talk of it but could not confirm it. Friday stated there is a for sale sign up at the property. Benz questioned the criteria used to award a grant to a business for sale. Kaas responded that at the time of the application the business was not for sale, and stated if the property was enhanced with the grant funds that is the purpose of the program. Friday stated the only caveat to the program is that when funds are requested for equipment that is considered portable, that the CDA has placed stipulations on the grant such as with the vet clinic requiring the equipment to remain in the Village at least 5 years. Benz questioned the Golf Academy grant; if the academy would bring added value and stated the golf course is doing well, asked if the CDA takes that into account when reviewing applications. Kaas responded the golf academy's request goal was to attract new and future golfers into the facility. Benz asked if consideration is given when applications are submitted if one business is doing well and another is struggling. Kaas replied that would be part of the priority setting if there was competitive bidding and reserve funds.*

- 8) Report of the Plan Commission (Jan. 2)

a) *Business Signage: Inventory & Compliance.*

*Friday in the Plan Commission Chairman's absence explained the sign inventory and analysis found in the meeting packet. Friday stated the Commission requested the Village Board to be notified of the prohibited signs in the Village prior to the mailing of notices. Kaas stated he recalled the ordinance allowed for time to come within compliance and Friday confirmed that is true and if need be an allowed extension could be granted. Kaas reported the notification process should start. Friday requested the Board to review the list and to place on the agenda for the first meeting in February.*

- b) *CSM #2017-05: A Certified Survey Map request combining one lot (Tax ID #13531; 1.08 acres) with land from adjacent parcel N613 approval with Military Road; 29 acres) and recreate N613 Military Road as one removal of 5-acre, Agri-zoned parcel, with the remainder (Tax ID #13529) to continue in usage as undeveloped Agri. property (Enders).*

*Plan Commission recommended conditional approval contingent upon removal of the ingress/egress easement language.*

*Benz stated the last Village Board meeting discussion included allowing agricultural access to Kessler Road with removal of the other driveway access. Kaas suggested it is an easement and it is the main driveway to the house. Friday suggested there are no other properties in the Village like this. Kaas questioned that there is a culvert placed at the Kessler access providing adequate agricultural access and Friday confirmed.*

***Benz moved to approve the recommendation of the Plan Commission to conditionally approve if the petitioner removes the ingress/egress easement language. Kaas 2<sup>nd</sup>. Motion carried unanimously.***

- c) *Comprehensive Plan – Future Land Use Map amendment:*  
A request to amend the Village Comp. Plan changing the *Future Land Use Map* at N613 Military Road (Tax ID #13531) from related Rezoning 'Industrial' to 'Agricultural' zoning (Enders).

***Kaas moved to approve the Comprehensive Plan – Future Land Use Map amendment: A request to amend the Village Comp. Plan changing the Future Land Use Map at N613 Military Road (Tax ID #13531) from related Rezoning 'Industrial' to 'Agricultural' zoning (Enders), as presented. Benz 2<sup>nd</sup>. Motion carried unanimously.***

- d) *RP#2017-03: A Rezoning Petition request for a one lot rezoning (Tax ID #13531; 1.08 acres) from 'Industrial' to 'Agricultural' to match the surrounding Agri. zoning (Enders).*

***Kaas moved to approve RP#2017-03: A Rezoning Petition request for a one lot rezoning (Tax ID #13531; 1.08 acres) from 'Industrial' to 'Agricultural' to match the surrounding Agri. zoning (Enders), as presented. Miller 2<sup>nd</sup>. Motion carried unanimously.***

- e) *CSM #2017-04: Certified Survey Map request (N465 Lorraine St. [0.787 ac.] & N442 Stumpf Ave. [1.33ac.] and a portion of Tax ID #13549) re-combining as three lots: Lot #1 = N465 Lorraine St. [1.01 ac]; Lot #2 = N442 Stumpf Ave. [0.7ac]; Lot #3 = 1.09ac*

unplatted land along STH 55/114 (Stumpf).

***Hennlich moved to approve CSM #2017-04: Certified Survey Map request (N465 Lorraine St. [0.787 ac.] & N442 Stumpf Ave. [1.33ac.] and a portion of Tax ID #13549) re-combining as three lots: Lot #1 = N465 Lorraine St. [1.01 ac]; Lot #2 = N442 Stumpf Ave. [0.7ac]; Lot #3 = 1.09ac unplatted land along STH 55/114 (Stumpf), and RP#2018-01: A Rezoning Petition (Stumpf) to change N465 Lorraine Street (0.787 ac.) from R-1A zoning & W442 Stumpf Ave. land (home) currently zoned C-1 (Commercial) to R-1 (Single-family), matching W442 Stumpf Ave. (garage). Note: Action brings properties into conformance with existing Comp. Plan–Future Land Use Map, both as presented. Miller 2<sup>nd</sup>. Motion carried unanimously.***

- f) *RP#2018-01: A Rezoning Petition (Stumpf) to change N465 Lorraine Street (0.787 ac.) from R-1A zoning & W442 Stumpf Ave. land (home) currently zoned C-1 (Commercial) to R-1 (Single-family), matching W442 Stumpf Ave. (garage). Note: Action brings properties into conformance with existing Comp. Plan–Future Land Use Map.*

*Approved along with agenda item e).*

- g) *CSM #2018-01: Two lot Certified Survey Map request (Clinefelter; Lots #12-14) combining and recreating existing three lots into two (Lot #1; 0.3875ac. [Martell]; Lot #2; 0.3717ac. [Clinefelter]) on Park Drive, west of Pigeon Road intersection. (Tax ID #: 13923; 13924; 13925).*

***Benz moved to approve CSM #2018-01: Two lot Certified Survey Map request (Clinefelter; Lots #12-14) combining and recreating existing three lots into two (Lot #1; 0.3875ac. [Martell]; Lot #2; 0.3717ac. [Clinefelter]) on Park Drive, west of Pigeon Road intersection. (Tax ID #: 13923; 13924; 13925), as presented. Ott 2<sup>nd</sup>. Motion carried unanimously.***

- h) *Ch. 24 – Subdivision Ordinance: Recommend final changes ‘Subdivision & Platting’ standards.*

*Kaas questioned if the changes were for new developments and Friday confirmed it would.*

***Kaas moved to set public hearing February 12, 2018 for Ch. 24 – Subdivision Ordinance: Recommend final changes ‘Subdivision & Platting’ standards, as presented. Benz 2<sup>nd</sup>. Motion carried unanimously.***

- i) *Comprehensive Plan Update – Review Ch. 5 (Agri.) & 6 (Econ.)*
- j) *Calendar: Annual Review of Plan Commission Obligations*
- k) *Potential subdivision plat: Concept Plan (3<sup>rd</sup> submittal) for 20 acre parcel adjacent to Miller Pond area.*

*Friday informed the Board that this is the 3<sup>rd</sup> submittal with the initial being conceptually approved. Friday stated the Commission has requested the petitioner to provide documentation at the February meeting about wetlands, expert analysis supporting why the*

*first submittal will not work and to modify the plan by removing 1 lot and adjusting remaining frontages.*

- 1) *Member goals: Updates.*
  - *Zoning Code: 'Items for Change' = Complete.*
  - *Zoning Code: Assist staff hiring consultant by March, 2018.*
  - *Zoning Code: Complete by Sept. 4, 2018 and forward to V. Board.*

*Friday stated the Village Board is requested by the Commission to review and the topic will be placed on the February agenda for final review.*

*Benz stated he had previously suggested that the yard waste site hours be adjusted if a burning restriction is imposed. Hennlich commented that he is not in favor of grilling restrictions and there are a lot of residents in his neighborhood that have fire pits. Benz suggested the Village continue to have an educational approach to burning. Friday asked Benz if he thought the insertion in the newsletter has helped and Benz requested to do more over time.*

- 9) *Report of Village Officers.*
  - a) *Village President*
  
  - b) *Fox Cities Area Room Tax Commissioner*

*Benz stated at the December 2017 Room Tax Commission meeting it was reported Fox Crossings and Kaukauna had not provided 3<sup>rd</sup> quarter reports due to new ownership of hotels in those areas, the PAC bonds are on schedule to be paid off March 1, 2018, the exhibition center budget at \$31,000,000 is on schedule with the VIP tour 11/11/18, no news on the financing package, the gift from Grand Chute of land for the sports complex has been approved with Miron as construction manager, the motion of excess PAC room tax receipts was reconsidered and \$25,000 allocated to legal fees and \$625,000 allocated to the sports facility, and finally Karen Harkness read a statement into the minutes that she feels Herrling Clark had a conflict of interest as the attorney for the room tax commission since many municipalities use them as their municipal counsel.*

*Benz stated at the January 2018 ARA Exhibition Center Advisory Committee meeting it was reported the escalators and elevators are working, the walkway from the hotel to the center should be open for the grand opening, the governor may attend, Baird was schedule to give a presentation to Appleton Finance Committee January 8, 2018, the finance committee will make a recommendation to the Appleton Redevelopment Authority (ARA) who will make the final decision on financing, Neenah's mayor stated he would not sign the pledge agreement until he is satisfied with the financing, and Mayor Hanna reminded Kaufert that the agreement the municipalities signed in 2015 stated that ARA has 100% authority to secure and approve the financing package.*

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

***Salo moved to approve the financial reports as presented. Hennlich 2<sup>nd</sup>. Motion carried unanimously.***

- ii. Alcohol Beverage License Renewal Application (High Cliff Public Golf Course).
  - Appointment of Agent (Corey Feller).
  - Premises Modification (due to purchase of High Cliff Restaurant).

*Williams informed the Board the golf course has stated they will purchase the supper club and wanted to operate under one license and request the appointment of a new agent.*

*Benz questioned the intention of the golf course with that purchase in moving their catering up from the lower level and voiced concerns about noise effecting the neighboring properties. Benz suggested holding action until the Board was informed of their intention. Williams asked if the appointment of agent could be considered and approved. Benz questioned if the golf course is closed, Friday stated the academy is open, Williams stated their current license is year round. The Board questioned the noise code.*

***Kaas moved to table the application until the code is reviewed and the ownership is clarified. Benz 2<sup>nd</sup>. Motion carried unanimously.***

*Williams found the hours were after 10 pm, noise was prohibited.*

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

*Friday reviewed the operator report with the Board and promised the Park and Recreation Coordinator report will be forthcoming.*

11) Village Administrator: Project Update(s).

*Friday stated he is working with Cedar Corp on the year's roadway projects and a public information meeting will be scheduled once the information is all gathered.*

12) Old Business:

- a) *Contract for Services – Property Maintenance Assessment: Consider One-Year contract FY2018 = \$10,500 (Associated Appraisal Consultants; Note: Previously quoted amounts FY2019 (\$10,550); FY20 (\$10,600); FY21 (\$10,650); FY22 (\$10,700)).*

*Luke Mack from Associated Appraisal addressed the Board and went over the research in the meeting packet comparing Sherwood to the municipalities of cities of Brillion, Chilton and New Holstein and the Village of Combined Locks and answered their questions.*

*Benz questioned Friday what Sherwood anticipates as home permits for 2018. Friday replied that with the Clinefelter CSM and the new subdivision could provide another 40+ homes.*

*Kaas stated concern about the automatic renewal clause in the contract when the annual appointment is after the Spring Election.*

*Mack stated that they would be in agreement with the annual appointment and contract signing take place in April each year.*

- b) *CSM #2017-06: A Certified Survey Map request for a three-lot division of land (Tax ID # 13538; 2.34 acres) into Lot #1 (0.582 ac.), Lot #2 (0.582 ac.) and Lot #3 (1.181 ac.) for up to three twin-dominiums.*

*Friday stated Van's contacted him that afternoon informing him they would withdraw at this time due to the comments that questioned their integrity. Friday reported during the time with Sherwood he has experienced very few issues with Van's and all of them were resolved.*

***Kaas moved to withdraw CSM #2017-06: A Certified Survey Map request for a three-lot division of land (Tax ID # 13538; 2.34 acres) into Lot #1 (0.582 ac.), Lot #2 (0.582 ac.) and Lot #3 (1.181 ac.) for up to three twin-dominiums, as presented. Miller 2<sup>nd</sup>. Motion carried unanimously.***

13) New Business:

- a) *N7743 State Park Road Driveway access to State Park Road: Consider/Approve recognizing newly-created lot as having driveway access to State Park Road.*

***Benz moved to approve driveway access to State Park Road from the address N7743 State Park Road. Salo 2<sup>nd</sup>. Motion carried unanimously.***

- b) *Consider Refund of 2017 Local (Village) Property Taxes following total loss of residential dwelling (N7916 State Park Road; Buck).*

*Friday presented the topic and requested Mack to explain the situation. Mack stated that a refund of taxes statutorily are only done if unlawful tax or excessive assessment. Mack reported the home was there as of the January 1<sup>st</sup> date and so per statutes there is no avenue due to assessor error, but it is up to the municipality if they wish to refund any portion as long as they understand there will not be any reimbursement from the other taxing entities as a chargeback.*

*Kaas questioned if the 2018 assessment could be different. Mack responded that it may be higher due to the home that is being constructed and the January 1<sup>st</sup> value will be an interim number if construction is not completed.*

***Benz moved to refund \$1,051.14 Sherwood taxes + \$155 garbage/recycling fees. Ott 2<sup>nd</sup>.***

*Kaas stated he would not support 100% refund of Sherwood taxes but would support a proration.*

***Benz moved to amend the original motion to refund a prorated calculation to coincide with when the home burned. Ott 2<sup>nd</sup>.***

*Salo questioned if allowances are made on garbage/recycling fees for residents who go to warmer locations for the winter and Williams replied the Village does not due to the fact Advanced Disposal charges the Village which must be passed through to the resident.*

***The motion as amended carried unanimously.***

- c) *Consider waiving rental fees for Community Center Jan 26 and Jan 27 (American Legion Request, Commander Travis Pompa, Post 496) Consider/Approve.*

***Kaas moved to waive the rental fees for the American Legion to use the Community Center January 26 & 27, as requested. Benz 2<sup>nd</sup>. Motion carried unanimously.***

*Hennlich requested that the facility is cleaned as all users are required.*

14) Complaints & Compliments: None.

15) Correspondences:

- a) *Monthly Activity Report (Nov.; Calumet County Sheriff's Dept.).*
- b) *Monthly Activity Report (Nov.; Harrison Fire & Rescue).*

16) Adjournment. – ***Salo moved to adjourn the meeting at 8:39 p.m. Hennlich 2<sup>nd</sup>. Motion carried unanimously.***

*Minutes prepared for review and approval by Susan Williams, Clerk-Treasurer.*