

Village Board Meeting Minutes
February 12th, 2024

- 1) Call to Order and Roll Call. – *President Laux called the meeting to order at 6:31 pm with roll call:*

Present:

*Bob Benz
Amy Brandt
Tony Genisot
Tom Herrmann
Joyce Laux
Kathy Salo
Jesse Troestler*

Absent:

None
Others Present:
*Diane Wessel, Interim Administrator
Nick Halbach, Clerk-Treasurer
Sadie Slotke, Deputy Clerk (virtual)
Brenda Stumpf, Rec Coordinator
Bruce Genskow, Utility Operator-In-Charge
Mike Kaster, Cedar Corp.
Eric Fowle, Cedar Corp.
Tom Jack, PRUT Board Chair*

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Benz moved to approve with a change to move item 12 e up to 10 b. Salo seconded. Motion carried without dissent.***
- 4) Approval of Minutes: Jan. 22, Jan. 29. – ***Benz moved to approve both the 1-22-24 and 1-29-24 Minutes. Salo seconded. Motion carried without dissent.***
- 5) Registered Citizen Comments on Agenda Items.

John Hoffman

W4933 Nature’s Way Drive

Re. Item 7a.

Hoffman questioned if the existing trail running south of Nature’s Way Drive would follow the old Spurline instead of its current route through the Pond View Estates subdivision stormwater pond parcel. President Laux noted the PRUT Board would be the responsible board for that question when the next update to the trail map is made.

John Sharer

N5011 Cherrywood Drive

Re. Item 12 a.

Vice President Salo read off a letter from Sharer noting he was involved on the Plan Commission level when the sign ordinances were most recently updated. He acknowledged he did not know the background information as to why the topic was on the agenda, but cautioned against relaxation of ordinances, as once you do it for one, you do it for all.

Tom Jack

W4892 Escarpment Terrace

Re. Items 11 f, 12 e.

Jack noted he discussed winter trail maintenance with DPW Supervisor Nadler to get an estimate on the extra number of hours of labor plowing the trails would be. Nadler estimated another four hours of work would account for the east-west trails to connect Pigeon Road to Wanick Park. Jack commented that DPW has the equipment to plow, and broom snow off of Village trails, but

also cautioned against using heavy equipment on trails not up to Village trail standards. Jack also briefly discussed his thoughts on a Dog Park in the Village as the PRUT Board had discussed it during the Wanick Park creation process, noting his concerns around feces along current Village trails, and who would be responsible for cleaning up feces in a potential Dog Park.

6) Report of the Community Development Authority

A. Treasurer's Report

Clerk-Treasurer Halbach reported where the CDA is in regard to the Reserve at High Cliff project, noting the developer's agreement is being worked out with legal to be discussed at a future CDA meeting.

Trustee Herrmann questioned if the Village Board wants to pursue the project to avoid the CDA wasting time and money working with the developer. Trustee Genisot noted the CDA had control of TID financing, but the end decision comes from the Village Board. He noted CDAs in other communities have been disbanded in favor of having the Village Board handle any community development topics as there is now a developer's handbook in place. Interim Administrator Wessel suggested having an agenda item for the next meeting to discuss the roles and rules of the CDA. Vice President Salo suggested having the formation document and bylaws available as well as the budget for 2024.

B. Design Charette

C. Asbestos Proposals

Deputy Clerk Slotke noted the CDA selected Environet for asbestos abatement, while the demolition RFP has been sent out, and a contractor will be selected at the next meeting. When questioned by Herrmann about the idea of renovating the building, Genisot noted the building is well past that point and it is not safe.

D. Request to purchase door from former Stumpf garage.

Genisot noted the CDA approved a request to allow a resident to purchase a door off of the former Stumpf garage after DPW takes the door off of the building for safety reasons.

7) Special Report of the Park Recreation & Urban Tree Board (Feb. 6).

A. Review of Existing and Planned Trails Map

Rec Coordinator Stumpf noted the trail segments in the Robinhood area were taken out as requested by property owners, and an on-road designation was added connecting back to county road M. She added the on-road designation was added in other areas of the Village to properly note they are on-road trails. Stumpf also noted Lakeshore Estates North and Wanick Woods trails were formally added as existing trails instead of proposed.

Benz moved to approve the trail map. Brandt seconded. Motion carried without dissent.

8) Report of Village Officers.

A. Village President. – *Nothing to report.*

B. Fox Cities Area Room Tax Commissioner. – *Nothing to report.*

C. Clerk/Treasurer.

i. *Consent Agenda (Financials).*

Benz moved to approve the Consent Agenda. Salo seconded.

Benz commented he would like to see some more information, including the variance from budget monthly. He also suggested a fund balance report, as he noted the expenditures were \$168,000 over budget according to the 2022 Audit report.

Motion carried without dissent.

ii. *ACH Form*

Halbach noted the form for ACH was included in the packet. He explained the automatic withdrawals will start in March when the bills are due instead of the upcoming February due date.

iii. *ECWRPC Appleton MPO meeting: Update.*

Halbach noted he attended a meeting with the Calumet County Highway Supervisor and East Central Wisconsin Regional Planning Commission regarding the changes to the Appleton MPO. He noted Sherwood is planned to no longer be included in the urban area that includes Appleton as new regulations stipulate there can be no islands within the urban metro area. Halbach explained the only grant that could be impacted is the Friendship Trail as parts of the project will now be designated in both urban and rural areas instead of just urban.

9) Engineer and/or Utility Operator.

A. *MCO Summary.*

Utility Operator Genskow noted new equipment has been brought in by MCO to find water leaks as he reported there was 10,000 to 15,000 gallons of water lost per day on the upper section of the Village. He noted he will be collecting bids for the VFD as there is \$6,000 budgeted for its replacement. In responding to a question from Trustee Herrmann, Genskow noted the pH sampling has fluctuated, but never consistent enough to properly identify what

chemicals could have been dumped into the sewer system. Genskow also mentioned when the CTY M project happens, the Village will be replacing a key stretch of old water main that could be causing several leaks in the system.

B. *MCO Hours (December 2023).*

C. *WWTP Boiler and Water Softener Memo.*

Benz moved to approve \$7875 to Fuhrmann for the WWTF Boiler. Salo seconded. Motion carried without dissent.

Trustee Genisot commented it may be more advantageous to rent a water softener until the WWTF is online.

Herrmann moved to rent twin water softener from Culligan until new ones are installed in the WWTF project. Benz seconded. Motion carried without dissent.

D. *WWTP Invoicing Summary (Cedar Corp.).*

Engineer Kaster noted the team is cross checking and doing quality control through the various trades for the design specifications for the WWTF project to go out to bid in March. Kaster scheduled the sub-committee meeting for February 28th at 5 pm for about an hour to go through the plans of the project.

E. *CTH B and CTH M Projects: Update.*

Kaster reported the county will include the last 300 feet on CTY B that was previously not included in the project plan. He also noted there will be an intergovernmental agreement with Calumet County that will be constructed around January 1st of 2025 for the CTY M project proposed for 2025-26.

F. *Contract B24: 85% Design Meeting.*

Kaster noted he met with Genskow, Clerk-Treasurer Halbach, and DPW Supervisor Nadler to discuss Spring Court, Nature's Way Drive, and State Park Road for the upcoming road projects. He noted the main concern that will need to be addressed are the concrete driveways on Nature's Way Drive as the plan calls for building up the base of the road, which would require homeowners to pay for their own concrete to be raised to match heights with the road. Kaster advised holding a public information meeting as soon as possible to discuss with homeowners impacted to discuss with them the proposed project.

Kaster also indicated the road width on Nature's Way Drive is 24 feet wide, which would be too small for a bicycle path as the trail map indicates an on-street trail for that section of road. Vice President Salo suggested getting estimates for cost to expand the roadway to be wide enough for a properly sized bicycle lane.

10) Administrator.

A. *Introduction of Interim Administrator:* Diane Wessel.

11) Old Business:

A. *Resolution #2024-01:* Consider the Update to the Comprehensive Plan.

Trustee Herrmann noted the map was reviewed at the Plan Commission, and at that meeting, they voted 3-3 to change the Stumpf property to single family infill instead of mixed-use. Vice President Salo noted the land is currently zoned Agricultural, and added the plat Herrmann has referenced was never recorded at the County, but understands the desire to keep it single family. She also noted the mixed-residential designation allows for single family housing, but allows the property owner flexibility when determining the future use of the site.

Salo and Herrmann agreed the roundabouts would be a future debate instead of including them on this plan. President Laux expressed her concerns over potentially having to remove the glass shop to put in a roundabout. Engineer Kaster noted the cost estimates he last received were anywhere from \$350,000 to \$500,000. Trustee Brandt suggested there should be a different way to note the desire to change that corner intersection to increase safety. Engineer Fowle and Interim Administrator Wessel indicated the Village could have a marker with the term intersection improvement instead of roundabout on the map.

Herrmann proposed to send the maps back to Cedar Corp to change the Stumpf property to single family infill, and to remove the roundabout designations and change them to intersection improvements. Laux seconded. Motion carried without dissent.

Salo moved to defer Resolution 2024-01 to next meeting. Troestler seconded. Motion carried without dissent.

B. *Ordinance #2024-01:* Adopting the Comprehensive Plan Update 2040.

Salo moved to defer Ordinance 2024-01 to next meeting. Troestler seconded. Motion carried without dissent.

C. *High Cliff Marina Project:* Letter to Lower Cliff Road Residents (Vosters, Jan. 23).

Herrmann noted Jay Vosters from the DNR authored the letter included in the packet to send out to lower cliff residents, and asked the board for any changes that need to be made to the letter. Trustee Benz noted he did not have any changes, but questioned what would be the best way for residents to contact the DNR about the project. Herrmann noted Vosters would be the main point of contact, but also mentioned there can be a public information meeting if necessary. Herrmann noted he would need a list of addresses of residents in the subdivision impacted by the project, as well as a letter from Clerk-Treasurer Halbach spelling out the Village does not need any permits from the DNR to operate in the right-of-way.

D. *Community Sign*: Update.

Halbach noted he is working with the bank on formalizing easement documents to allow for formal dedication of sign location.

E. *Village Newsletter*: Present Criteria to Post in Proposed “Local Business” Section.

Trustee Troestler noted his proposal was to have the Board look at proposed events to include in the newsletter two meeting before the newsletter would go out for publishing as a sanity check. Wessel suggested leaving that decision up to staff to determine suitability of event requested to include in the business spotlight section.

F. *Winter Trail Maintenance*: Update.

Troestler advocated for the plowing of all the trails in winter as communities all over the area maintain their trails, noting the great benefit to the community for a small number of hours of work. Salo questioned if the PRUT Board was in agreeance with Troestler as they had previously discussed the sub-base of the trails not being adequate for Village equipment to operate on. Herrmann noted the DPW has other equipment they can use to plow the trails that are not currently up to Village standards, as he advocated for plow all the trails instead of just those in Wanick Park.

Trustee Genisot suggested pursuing the actual cost to maintain all of the trails during the winter as he also advocated for the trails to be cleared but cautioned against rushing into it. Jack noted the frost in the ground is his main concern as certain trails would require increased amounts of salt as the surface would get icier faster due to their poor base. He also noted that he is working with DPW Supervisor Nadler to get an accurate cost. Herrmann suggested adding the topic to the PRUT agenda to discuss the pros and cons to at least have a consistently plowed trail from Pigeon Road to Wanick Park.

G. *Water/Sewer Impact Fees*: Revisit rates proposed by Trilogy Consulting.

Salo noted conversation was tabled to learn the amount the Village would receive in grant funding as funds collected by impact fee cannot cover any items that can be covered by grants. Now that the Village has heard they did not receive any grant funding from the DNR, Salo is proposing to revisit the topic. She noted the \$12,000 amount noted in the study is rather high, but she is looking to find a happy medium to proceed with.

Genisot proposed keeping the amount at \$4,000 between water and sewer but changing the proportion allocated to each fund. He suggested \$675 for the water impact fee and \$3,325 for the sewer impact fee as a change from \$2,500 for water and \$1,500 for sewer. Genisot noted that he would not be against a slight increase over time up to \$5,000 total. Wessel noted a public hearing would need to be held to finalize the amounts to be charged for impact fees. Brandt noted something should be included to incrementally increase for the next large project that comes along to avoid being caught flat footed.

Troestler moved to set the public hearing for changing the impact fee rates to \$675 for water and \$3,325 for sewer with an escalator in place in accordance with the CPI-Urban rate each year up to \$5,000. Brandt seconded. Motion carried without dissent.

12) New Business:

A. *Outpost Signage*: Consider stopping fines for signage non-compliance.

Trustee Genisot noted he was not on the board when the sign ordinance first went into place, and he supports doing away with the flying letters and numbers. However, he noted he is against fining the Outpost for their non-compliant sign, adding the Village did not take down the Lion's sign until he pointed it out at the previous board meeting. Trustee Troestler questioned if the owner of the Outpost was aware of what needs to come down, as only the reader board portion is out of compliance. Vice President Salo commented the Village has been sending letters for the past two years and not once received feedback from the Outpost. She noted the Plan Commission has never received a grandfathering request, as they did for Jeannie's Bar.

Trustee Herrmann noted the owner never paid a dime for that sign as he inherited it from Brian Nettekoven of the old grocery store. He added the Plan Commission has asked for years to removed the sign, and suggested the CDA's 50/50 matching grant program to help pay for a replacement. Herrmann noted the boards have granted latitude to businesses that reached out and made the Plan Commission aware of their plan, but not once heard from the Outpost.

Deputy Clerk Slotke noted she has sent certified mail, and received confirmation the mailings have been received by the Outpost. She noted legal counsel had advised pursuing legal avenues as the Outpost has never reached out. Salo advised to let legal counsel handle the issue.

B. *Cell Tower Lease*: Request option to purchase 1,000 SF around cell tower for potential need (American Tower, Jan 23).

Herrmann questioned where the extra 1000 SF would be located as the map provided in the packet was not clear. Clerk-Treasurer Halbach noted the area would be 10'x10' around the existing space.

Troestler moved to approve the request for the option to purchase 1000 SF with payment on a monthly basis with the condition of approval from Public Works that it does not interfere with Village operations. Salo seconded. Motion carried without dissent.

C. *FY2022 Audit*: Consider/Approve annual report.

Salo moved to approve the FY2022 Audit report. Herrmann seconded. Motion carried without dissent.

D. *STH 55/114 Speed Reduction*: Request formal speed study from WI DOT.

Salo moved to approve the request for a formal speed study with WI DOT. Brandt seconded. Motion carried without dissent.

E. *Dog Park*: Discussion regarding need for a Dog Park (Troestler, Benz).

Troestler noted sometime since he was elected to the board the topic of a dog park came up, and was shut down by former Administrator Friday. He noted when spoke with Kaukauna's Park and rec director, he was told the city's insurance covered a dog park, which was one of the main concerns for Sherwood. Troestler added that he has opened the golf course for walking during the winter, and pondered if the area near the Community Forest would be a good location for a potential dog park.

Troestler noted in Kaukauna, users are required to pick up after their dog, and it was reported they have very few issues. He also mentioned the possibility of having businesses sponsor a potential dog park as a means of extra revenue. Salo commented she would note that signage and fencing would be important for insurance carriers, but it would be allowed under the Village's policy.

Laux suggested meeting with the PRUT Board for further discussion. Rec Coordinator Stumpf added Kaukauna does have a friends group that volunteers to help keep the park clean. She added there will be questions from the PRUT Board regarding location as well as policies, but noted the item will be on their next agenda.

Benz noted the City of Appleton is closing their largest dog park along CTY OO, and noted a resident had suggested to him a feasibility study before committing too much time and resources towards a park that may not be needed. He also suggested getting a list of volunteers when residents register their dogs each year. PRUT Chairman Jack noted the buckthorn near the Community Forest could be an issue for dogs, while a portion of Legion Park would be a drier location.

13) Complaints & Compliments:

14) Correspondences:

A. *Monthly Activity Report* (Calumet County Sheriff; Dec.).

15) Action Items.

Clerk-Treasurer Halbach listed the following items for the Action Items list:

- 1. CDA Roles agenda item for next meeting with budget and bylaws included.*
- 2. Budget Comparison Report for next meeting.*
- 3. Impact fee account statements.*
- 4. WWTP Sub-Committee meeting schedule.*

5. *PRUT agenda items for trails and dog park.*
6. *Letter to Jay Vosters of DNR re High Cliff Marina.*
7. *Provide addresses for letter to be sent on behalf of DNR re. High Cliff Marina project.*

- 16) *Closed Session: (Personnel discussion)* Per Wis. Stats. §19.85(1)(c), the Village Board may move to a Closed Session when considering employment, promotion, compensation, or performance evaluation data of any public employee(s) over which the governmental body has jurisdiction or exercises responsibility.

Salo moved to enter closed session at 9:44 pm. Herrmann seconded. Motion carried without dissent.

- 17) *Open Session:* The Board may take action on any item listed in Closed Session.

Salo moved to enter open session. Brandt seconded. Motion carried without dissent.

- 18) Adjournment.

Herrmann moved to adjourn. Benz seconded. Motion carried without dissent.

Respectfully submitted for review and approval by Nick Halbach, Clerk-Treasurer.