

Village Board Meeting Minutes
February 26th, 2024

- 1) Call to Order and Roll Call. – *President Laux called the meeting to order at 6:30 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
Devin Plate, MCO
Mike Kaster, Cedar Corp.
Tom Jack, PRUT Board Chair*

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Benz moved to approve the agenda with moving item 10d to after item 5. Salo seconded. Motion carried without dissent.***
- 4) Approval of Minutes: Feb 12. – ***Benz moved to approve the 2-12-24 Minutes. Salo seconded.***

Trustee Herrmann noted in section 12A of the minutes that the owner of the Outpost was gifted the sign from Brian Nettekoven of the old grocery store instead of Legacy Communications. Trustee Benz noted he had two changes, one to update the language detailing his concerns with the 2022 Audit showing the Village was over budget by \$165,000 for expenditures. He also noted it was a resident who suggested to him the need for a feasibility study for a dog park.

Motion carried without dissent.

- 5) Registered Citizen Comments on Agenda Items.

Travis Dudovick

W4723 Castle Drive

Re Item 9c.

Dudovick noted he supports creation of a new TIF district to take advantage of the rules that the experts from Ehlers will describe later. He noted Interim Administrator Wessel brought everyone together to discuss the need for TIF expansion or addition due to new rules that were approved in 2024 regarding TIDs.

Chris Fiedler

N201 County GG Kaukauna

Re Item 10d.

Fiedler noted the sign in question was purchased by Brian Nettekoven from Tony Mueller 16 years ago, and the Village changed the ordinance regarding signage regulations since the sign was installed. He noted the non-compliant portion of the sign is the reader board, but questioned what difference pre-made panels would make instead of individual letters as the panels would be

allowed instead of non-compliant letters. Fiedler noted he has been a very good business owner in the community for over ten years and he believes it is ridiculous that a municipality would fine a business \$160 per day over a sign. He noted he will continue to do business in Sherwood but lambasted the process as unfair.

Fiedler also noted the article in the Times Villager never reached out for his opinion, adding that Trustee Troestler was the first person who directly reached out to him about the sign.

6) Report of the Park Recreation & Urban Tree Board (Feb. 19).

A. Chairman/Rec Coordinator Report

Rec Coordinator Stumpf noted Chairman Jack is collecting quotes for fertilizer/weed control in Wanick Park. She also noted she had 12 participants in the home alone/babysitting class, and that currently she has 165 registered participants for the daddy daughter dance on Saturday.

B. Spring Hill Trail

Trustee Troestler noted he met with Engineer Kaster from Cedar Corp. to discuss options for a trail along Spring Hill Drive. He explained the option provided in the packet would cross over to the north side of the road after the residential area by hole number 1 green and cut back across to the south side of the road after the driving range near the hole number 2 green. Stumpf noted the PRUT Board thought it was a good solution for the Village to include a trail along Spring Hill Drive.

Troestler added he will be digging cottages for the next few years, and noted he would like to know if the Village is interested in proceeding with the proposed trail as he could start building up the berm that is proposed in the project. Trustee Genisot noted he would like to see cost estimates for the berm before giving any kind of approval as the Village would have to budget out three to five years for the project. Trustee Herrmann questioned if the Village should just curb and gutter the whole street and widen the shoulders to accommodate an on-street trail. Kaster noted urbanizing one side of the street is a possibility, as well as urbanizing the whole street as Herrmann suggested.

C. Winter Trail Maintenance

Stumpf noted the PRUT Board is in favor of clearing trails in the wintertime, but noted they are cautious about clearing all the trails in their present state due to the lack of a standardized base. Genisot noted at the PRUT meeting that it seemed the discussion was centered around all the negatives of clearing the trails, whereas the Village Board keeps getting feedback from residents that they want the trails cleared, noting the issue is not going away anytime soon.

Herrmann commented if the Village Board says Village staff is going to clear the trails, then that is what is going to happen. Troestler added his thoughts, noting the Village would be

providing the residents a service to the community by having the trails cleared. Interim Administrator Wessel noted when she spoke with DPW, they were willing to do the work. She also mentioned a Kubota grant that was included in her administrator's report that is accessible for municipalities. Wessel added the grant is privately funded, meaning the Village would have an easier time meeting all the guidelines for the grant.

Herrmann moved to have staff apply for the Kubota grant for the purpose of trail maintenance and increasing accessibility year-round. Benz seconded. Motion carried without dissent.

D. Dog Park

Stump noted Troestler also discussed the idea of a dog park with the PRUT Board at their meeting. She added the PRUT Board will be utilizing the surveys required in the CORP plan update to gauge interest from the public. Stumpf also mentioned that Jack is getting a few cost estimates as the topic will be a continuous agenda item at the PRUT Board level.

Trustee Brandt commented that she loves the location as the park would be connected to the existing trail system, but also have a small parking area for those who do not currently access the trail system. Herrmann noted he is a little concerned about the parking situation if large amounts of people from outside the Village come to use the dog park. Vice President Salo noted there currently is room for about three to four parking spaces, which could be expanded as the project develops.

PRUT Chairman Jack provided a little history on Legion Park, as that location was a potential second option for a dog park. He noted if the American Legion ever disbands, the park, and resources located on Legion Park land, would revert to the County's possession. Jack added the PRUT Board is working on a masterplan for the site, as it is underutilized.

Jack also mentioned the size of the fencing for a dog park proposed at the Community Forest location is less than the amount that would require DNR permitting as there is a stormwater creek that runs along the site. He added the buckthorn and ash trees near the area where parking is proposed would have to be removed and cleared out. Jack noted that could be classified as a disturbance with the DNR, which would require additional permitting. Troestler suggested he would rather just fence in the existing Community Forest area instead of creating a new area of the Community Forest to host a dog park, as Jack is suggesting.

Wessel noted staff and the Village Board need to do a better job of nailing down exactly what is going to be discussed at the meeting instead of talking for a significant amount of time on all sorts of topics within one agenda item. She also noted there are grant options out there for parkland development as part of her role with MSA is searching and applying for grant funding.

E. CORP Plan

F. E-Bikes on Trails

Stumpf noted she is working with legal counsel regarding the exact language for a future ordinance for e-bikes on Village Trails. When asked by Benz to expand on the discussions taking place, Stumpf noted the state legislature passed a new statute to allow e-bikes on state trail systems. She added there are different classes of e-bikes, and the PRUT Board opted to not limit e-bikes based on class as they did not feel the Village could police the trails. Brandt noted the Village already has an ordinance in place to limit the speed of any bicycle to 15 mph.

G. Legion Park Baseball Fence – Remove Leaning Fence

Stumpf noted the fence is an eyesore and can be hazardous to children playing near it. She noted the PRUT Board’s recommendation was to take down the first base side and any leaning portions of the backstop. Troestler suggested using the concrete posts or any parts of the fence that can be repurposed for the future dog park fence.

Salo moved to remove all the fencing at Legion Park, and to safely repurpose any portions of the fence that are suitable. Benz seconded. Motion carried without dissent.

Herrmann expressed his frustration over how the Village let the fencing and the park in general deteriorate to its current state.

7) Report of Village Officers.

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

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

C. Clerk/Treasurer.

i. *Consent Agenda (Financials).*

Benz moved to approve the financials. Salo seconded. Motion carried without dissent.

ii. *Budget Comparison Report*

Vice President Salo requested the budget comparison for all of the funds to be presented at least quarterly.

iii. *Impact Fee Account Statements*

In responding to questions from Genisot, Wessel noted any impact fees collected cannot be used on operations, only new construction. Salo added that since the Appleton pipeline for water was installed, there have not been any big capital projects to use the

water impact fee on. Clerk-Treasurer Halbach noted the public hearing will be held on April 8th to update the rates for the impact fees.

iv. *Speed Sign Placement*

Wessel noted typically this would be an internal decision made by staff after consulting with Calumet County Sherriff's Department for their opinion on the location of speed signs.

8) Engineer and/or Utility Operator.

A. *MCO Summary.*

Utility Operator-In-Charge Genskow noted Pieper Power is moving forward with the PLC for the High Cliff Lift Station as noted on page 48 of the packet. He noted as a separate job Pieper is providing Genskow with schematic drawings for \$4,960 as there have been no drawings since 2002. Genskow noted he is bringing the amount to the board as he has the amount budgeted for, however, it would put him close to spending the entire amount for lift stations, and leave him with no room for emergencies under that line item. Interim Administrator Wessel noted the approval of the drawings should be a separate agenda item for approval at the next meeting.

Genskow also noted that Hieptas is digging curb boxes along Military Road this week, as well as removing the hydrant along 114 as noted in the budget. He also mentioned a new listening device has arrived from the shop, and the lift stations were recently vacuumed out.

B. *WWTP Sub-Committee Meeting on 2/29.*

Engineer Kaster reminded the board of the sub-committee meeting on Thursday the 29th at 5:00 pm. Trustee Herrmann and Benz noted they would each like a full set of the plans that will be presented. Kaster noted he will have those available, as well as the bid set when they are completed.

9) Administrator.

A. *Small Bridge and Culvert Program*

Interim Administrator Wessel noted she has been working with the County on the small bridge and culvert program, which will be handled by Village staff to receive the \$100 per structure inventoried.

Salo moved to proceed with small bridge and culvert inventory with Village staff. Benz seconded. Motion carried without dissent.

B. *Sherwood Utility Reporting & Submittal*

Wessel reported the DNR had reached out regarding delinquent reporting from the Village's utility. She noted the delinquency was not an MCO oversight, but a new regulation from the DNR which MCO was taking care of. Wessel noted within the contract with MCO, they are responsible for preparing reports, but the contract does not specify who is responsible for submitting reports. She recommends updating the contract as the last true update was in 2006. Vice President Salo suggested potentially going for RFP on utility operator services for 2025. Wessel indicated for the next agenda she will look to identify which services should go out to RFP for the 2025 Budget.

C. Tax Increment District (TID) Services

Wessel noted if there is any interest in expanding or creating a new TID, legislation recently passed changes the amount of levy a municipality can collect after the closure of a TID. She explained that any TIDs created after 12-31-2024 will only be able to collect 10% of closure levies instead of the existing 50%. Wessel noted the levy rate generated by net new construction is also going down from 100% to 90%. She noted she met with representatives from Ehlers to determine what options the Village has for creation or amending TIDs to take advantage of the current rule structure.

Brian Roemer and Harry Allen from Ehlers were present virtually to give a brief presentation and take questions from the Board. Roemer noted the deadline to create or amend a TID under the current rules is September 30th, 2024. Allen added that amending a TID's boundaries does not extend the expiration dates of the TID with TID 2 scheduled to expire in 2033 and TID 3 in 2040. In responding to a question from Trustee Genisot, Allen noted both districts are eligible for time extensions that would need to be approved by the Joint Review Board. Allen added a TID extension of time does not extend the expenditure period, only the amount of time allowed to recover TID costs.

Trustees Troestler and Herrmann questioned if there is a better resource to learn the basics of TIDs as many of the board members are unfamiliar with the intricacies of TID financing. Allen noted Ehlers can provide their TID 101 presentation as well as the DOR's FAQ regarding TIDs. Allen noted municipalities typically create TIDs to either follow a specific project, or for speculative reasons to generate interest in an area of the municipality. He added the creation of a TID depends on the uses proposed by the municipality as based off their comprehensive plans. Allen noted the two main types of TIDs are a mixed use, which is good for 20 years, or a blighted TID, which is in place for 27 years. He also mentioned any TID created before 9-30-24 will have a 1-1-24 base value date. Allen noted Ehlers' proposal would have three phases, a feasibility study, a project plan phase, and a state submittal phase.

In responding to a question from Genisot, Allen noted he has seen municipalities give up to 95 percent of increment generated back to a developer, but stressed incentives are project specific. He added the final split usually depends on the pro-forma of the applicant. Roemer noted he advises clients to have a set policy of 50/50, or whichever split the board feels comfortable with, and request anything above that set policy to be subject to further scrutiny. Genisot and Troestler stressed the need to be more consistent and friendly to developers. Genisot added the addition of Wessel to the staff has helped, and commented that with a good

administrator, the Village Board can handle TIDs and developer agreements. He added the developer's handbook is intended for businesses to help smooth out the process of asking the Village for financial incentives.

Wessel noted the Village would have to expend non-TID dollars for the feasibility study as state statute dictates increment generated by a TID must be spent within the TID. She added part of the process of Ehlers completing a feasibility study includes Ehlers reviewing the entire Village, not just a particular area of development. Roemer noted the process is like putting together the puzzle pieces as there are rules regarding the amount of the Village that can be placed under a TID, as well as the intended uses with the TID. Roemer also noted he would recommend a TID #4 instead of expanding the existing TIDs as it would maximize the amount of time the Village has to collect as much increment as possible under the existing rules. He added a potential TID #4 can overlap parcels that are currently in a TID.

Allen noted the Village has stable cash flow through the two existing TIDs already, and would only need to expand or extend them if the Village needed the extra bandwidth. He noted action would need to be taken by the Joint Review Board and Village Board before early August to meet their internal deadlines to get it in front of the state before September 30th. In responding to a question from Genisot, Allen noted the impact of waiting for the new rules to take place would be a missed opportunity for the Village to take advantage of existing TID financing rules.

Wessel stressed the need to separate the project of the Reserve at High Cliff that has been proposed from the potential ability for projects anywhere in the Village to potentially be served by a new TID. In responding to a question from Trustee Brandt, Wessel noted staff would identify parcels via the land use map, and not prioritize them, for Ehlers to review as part of a feasibility study.

Benz moved to contract with Ehlers to do phase 1 feasibility study for a potential TID #4 subject to Clerk-Treasurer Halbach finding money in the planning budget to pay for the study. Salo seconded. Motion carried 6-1. Herrmann – Nay.

Herrmann noted he would like a better understanding of where the money is coming from for the feasibility study, and is concern about how the Village determines which parcels would be included in a potential TID #4. Roemer noted Ehlers uses the comprehensive plan and future land use maps as a starting point, along with strategic goals provided by the Village. In responding to a question from Genisot, Roemer noted there is not an explicit automatic increase in property value due to being added to a TID. Roemer and Wessel noted they will distribute the TID 101 presentation and DOR FAQ page link to the board for further information regarding TIDs.

10) Old Business:

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

Salo moved to approve Resolution #2024-01. Benz seconded. Motion carried without dissent.

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

Salo moved to approve Ordinance #2024-01. Brandt seconded. Motion carried without dissent.

- C. *Water/Sewer Impact Fees: Revisit rates proposed by Trilogy Consulting. – Public Hearing scheduled for April 8th.*

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

Vice President Salo noted the Plan Commission first updated the sign ordinance in 2018 to eliminate individual letters flying around in the wind. She noted all businesses in the Village were notified with letters sent each year, and the Outpost was the only business who never reached out despite consistent efforts from the Village. Trustee Troestler suggested the Village should fine the Lion's club sign that remained up if they were going to fine the Outpost, noting the ordinance is flawed from his point of view.

Troestler moved to forgive fines on the condition the sign is in compliance with Village ordinances by the end of the year 2024. Genisot seconded. Motion carried 5-2. Benz – Nay. Salo – Nay.

- E. *GIS Maintenance Services: Letter of Authorization (Cedar Corp.).*

Engineer Kaster noted the Village had budgeted for the service, which will help Village staff maintain, plan, and locate infrastructure. He noted the contract includes adding Lakeshore Estates North and Pond View Estates into the existing GIS infrastructure.

Herrmann moved to approve up to \$3,000 for GIS. Genisot seconded. Motion carried without dissent.

- F. *Nature's Way Drive: On-Street Trail Options. (Cedar Corp.).*

Kaster noted the most recently approved trail map includes an on-street trail for the section of Nature's Way Drive that is scheduled to be repaired in 2024. He added the current budget does not accommodate expanding the project to include more defined on-street trails. Kaster noted he put together three potential solutions for the street if the Village Board felt it was necessary to widen the street to include a trail.

The first two options would keep the street defined as rural as the Village could widen the road to include a 4- to 5-foot-wide shoulder for a trail. The first option would be keeping the crown of the road in the center, with equal width trails on each side of the road, while the second option would offset the center of the road to accommodate a wider trail on one side. Kaster noted the main drawback from the second option is most drivers are accustomed to the

crown being the center of the road, which in wintertime could cause some confusion. Kaster noted the third option would be to completely reconstruct the road to urban standards with curb and gutter. He estimated the cost to be approximately \$850,000 to go with option three, however, the Village only has \$295,000 budgeted for the project in 2024.

Kaster noted that the stretches of roadway both east and west of the area in question are urbanized, but also mentioned the fourth option would be to proceed as planned for the B-24 contract and repair the roadway with no additions for trails. Herrmann and Troestler questioned the purpose of an on-street trail in that location as there are no current active trails in that area of the Village. Rec Coordinator Stumpf noted the trails map included that stretch of road as an on-street trail to connect homes west of Pigeon Road to the future friendship trail corridor. Troestler and Genisot noted the benefits of having an on-street trail on Nature's Way do not outweigh the cost. Kaster noted based off the feedback from the board, Cedar will proceed as originally contracted for the roadway portion of Nature's Way Drive.

11) New Business:

A. Community Development Authority Rules and Responsibilities.

President Laux and Trustee Genisot led discussion regarding the need for a CDA as Genisot noted in his time on the CDA there has been minimal activity, and that ultimate authority lies with the Village Board anyway. He noted he wants to streamline the process better for developers, and noted having a strong administrator helps that process move along. Laux noted Interim Administrator Wessel has been a big help moving projects forward. She also noted she agrees with Genisot that she is unsure of the need for the CDA.

In responding to a question from Trustee Brandt, Genisot noted CDAs across the state have been dissolved, and that there are no rules stating that a municipality must have one. Wessel noted she has not worked in a community with a CDA as previous roles of hers have included economic development under the administrator's roles and responsibilities. Brandt noted she likes the idea of developers coming to the administrator before going to the board. Genisot added that the Village must hire an administrator who has strengths in economic development and be the Village's biggest cheerleader. Troestler noted the two Village Board representatives on the CDA do not feel the need for the committee to exist. Wessel suggested a business association could be part of a future solution. She also noted the Village Board would have to repeal the existing ordinances of the CDA, which would require a public hearing.

Brandt moved to direct staff to draft legislation to repeal the CDA. Troestler seconded. Motion carried without dissent.

12) Complaints & Compliments:

Trustee Benz noted he had a compliment for Interim Administrator Wessel regarding the quick response to a resident who reached out to him with a question regarding permits.

13) Correspondences:

- A. *Monthly Activity Report* (Calumet County Sheriff; Jan.).
- B. *Potholes on State Park Road* (Johnson, Feb 12.).

Clerk-Treasurer Halbach noted the potholes mentioned in the complaint will be fixed in the upcoming 2024 paving contract. Halbach noted he can reach out to the resident and provide that feedback to her.

- C. *Invitation to Association of United States Postal Lessors (AUSPL, Feb 12).*

Trustee Genisot noted he will have to get Interim Administrator Wessel up to speed on the ongoing lease renewal with USPS's designated third party vendor.

14) Action Items.

1. *Reach out to resident regarding pothole complaint.*
2. *Resolve the Park Impact Fee Title on Workhorse Report.*
3. *Reach out to Calumet County for recommendation on speed sign locations.*
4. *Agenda item for Genskow bid approval.*
5. *Post 2/29 sub-committee meeting agenda.*
6. *Agenda item for 2025 Budget Calendar.*
7. *Agenda item for RFPs for 2025.*
8. *Agenda item to discuss where \$6,500 for TID feasibility study comes from.*
9. *Language to repeal the CDA.*
10. *DNR Marina project letters and addresses.*

- 15) *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.*

President Laux declared the would be no closed session as the Village Board will be reviewing applications received for the administrator position at their March 11th meeting.

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

- 17) Adjournment.

Salo moved to adjourn at 10:02 pm. Troestler seconded. Motion carried without dissent.

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