

Village Board Meeting Minutes
April 8th, 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 (virtual)

Absent:

None

Others Present:

Diane Wessel, Interim Administrator

Nick Halbach, Clerk-Treasurer

Sadie Slotke, Deputy Clerk (virtual)

Bruce Genskow, Utility Operator-In-Charge

Mike Kaster, Cedar Corp.

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Benz moved to approve the agenda. Salo seconded. Motion carried without dissent.***
- 4) Approval of Minutes: Mar. 25, Apr. 4. – ***Benz moved to approve the 3-25-24 and the 4-4-24 minutes. Salo seconded. Motion carried without dissent.***
- 5) Registered Citizen Comments on Agenda Items.

Clint LaRue

W4756 Cliffview Drive

Re Item 12c.

LaRue noted the lack of availability for places for seniors like his parents to move to when they want to downsize from their home. He voiced his support for The Reserve, while reiterating the need for senior housing in Sherwood as it is a desired area for many people.

Jeannie Hannemann

N6477 Harrison Road

Re Item 12c.

Hannemann also noted the lack of available senior care facilities in the Sherwood area, as she noted that she is not the only resident in the area who would benefit from an assisted living facility.

Bruce Hannemann

N6477 Harrison Road

Re Item 12c.

Hannemann also noted the cost to move to another community in the region for the sake of assisted living is quite expensive, as he reiterated the desire to have a location in Sherwood.

- 6) Public Hearing: Consider Ordinance #2024-03: An ordinance to amend Chapter 16 of the Village Code to update Sewer and Water Impact Fees.

Laux opened the public hearing with the three readings at 6:37 pm.

Salo moved to close the public hearing at 6:38 pm. Brandt seconded. Motion carried without dissent.

7) Special Report of the Community Development Authority (Apr. 1).

A. *Ordinance Repealing Chapter 1 Article V: Community Development Authority*

President Laux noted she briefly updated the CDA on the situation of the repealing of the ordinance language at the Village Board level. Trustee Genisot added it was the first time the CDA discussed potentially being disbanded as a group. He added a brief summary of that conversation, noting the decision to disband the CDA is not a personal one, but a decision that will help expedite the development process. Genisot noted if the workload on the administrator and Village Board becomes too much, there is precedent for creating a sub-committee that can meet more frequently.

B. *W410 Veterans Ave Demolition Proposal.*

Genisot noted the CDA was presented with five bids for the demolition of the former Mueller property. He noted the CDA recommended approval of the lowest bid, Statewide Razing, without an option to take down the garage as DPW will take it down as originally scheduled.

Salo moved to approve the demolition proposal from Statewide Razing for \$24,920 as recommended by the CDA. Benz seconded. Motion carried without dissent.

C. *50/50 Matching Grant Program: Request for support funding to replace primary rough mower (High Cliff Golf Course).*

Genisot noted the applicant was not present for the meeting, and the CDA took no action.

D. *Request for Display Cases from Former Mueller Store (Wenthur).*

Genisot reiterated that no one outside of DPW staff would enter the building due to liability reasons.

8) 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. Herrmann seconded. Motion carried without dissent.

ii. *Quarter 1 2024 Budget Comparison Report*

Clerk-Treasurer Halbach presented the budget comparison report from the Village's accounting software. He noted the tax revenue reported show the amount collected in 2024, but does not reflect the amount distributed to the school districts and the county. Trustee Benz noted he would like to see a fund balance report included in the next board packet.

9) **Engineer and/or Utility Operator.**

Utility Operator-In-Charge Genskow noted there was a water main break on April 1st on Military Road. He noted the patch of road that was torn up is now backfilled with sand packed in. Genskow added approximately 60,000 to 100,000 gallons of water were lost in the break. He also noted he will have a change order at the next board meeting for the recently approved VFD for Pieper as they found a savings of \$1,600 by purchasing a different VFD.

A. *Project Updates (Cedar Corp.)*

Engineer Kaster noted for the WWTP design, the architectural movements were made to better incorporate the security design. He added the bid documents will go out in mid-April. When asked by Trustee Benz regarding pricing, Kaster noted similar projects are going out for bid later in the year, and that the Sherwood WTTP project is ahead of the game.

Kaster also noted bids will be opened on the 25th for the B-24 Road Project Contract, with construction starting as early as mid-May.

10) **Administrator.**

Interim Administrator Wessel reported that she will not be present for the April 22nd meeting, but will have staff reports ready for the packet.

11) **Old Business:**

A. *Ordinance #2024-02: Dissolution of the Community Development Authority.*

Interim Administrator Wessel noted she drafted up the documents that included properties owned by the CDA, and provided the legal feedback suggesting the CDA stays in operation until the divesting of the property. Vice President Salo commented the CDA had existed for 20 years without any issues until the last year or two, and that she is uncomfortable with dissolving. Trustee Genisot noted the Village Board has ultimate authority, and having two boards doing the same thing does not make sense, especially when the CDA is made up of non-elected officials. He noted that having the right administrator will help streamline the process of development.

Trustee Herrmann noted he observed the last CDA meeting, and mentioned the CDA members felt the Village Board did not have a proper understanding of what the CDA members did. He noted he has a hard time justifying that as there have only been a handful of 50/50 matching grant approvals. Herrmann noted he does not want to make the decision based off feeling, but questioned what the advantage of having a CDA is.

President Laux noted she sees both sides as she knows CDA members put in time and effort to listen and attract potential developers, but also that the Village Board holds the ultimate authority. Trustee Brandt noted a subcommittee can be created if economic development becomes too cumbersome of a topic for the Village Board. Trustee Benz reminded the board of the Utility Commission, and how it disbanded in 2010, and now most agendas have multiple items related to utilities. He also suggested holding off on disbanding until there is a full time administrator in place who understands the roles they would be assuming if the CDA disbands.

Salo moved to defer abolishing the CDA until a review with the new administrator in place while also divesting the properties. Benz seconded. Motion carried via roll call vote 5-2. Genisot – Nay. Troestler – Nay.

B. Resolution #2024-03: Adopting the Sewer and Water Impact Fee Study.

Benz moved to approve Resolution #2024-03. Salo seconded. Motion carried without dissent.

C. Ordinance #2024-03: An ordinance to amend Chapter 16 of the Village Code to update Sewer and Water Impact Fees.

Salo moved to approve Ordinance #2024-03. Benz seconded. Motion carried without dissent.

12) New Business:

A. Award Contract B-24 Roadway Construction Projects.

Engineer Kaster noted bids were opened on March 28th with North East Asphalt coming in as the lowest responsible bidder. Kaster noted he recommends approval of the base bid as well as both alternates.

Herrmann moved to approve \$497,347.25 for North East Asphalt with two alternates as recommended. Benz seconded. Motion carried without dissent.

B. Resolution #2024-02: To Accept Public Improvements Substantially Completed in Lakeshore Estates North.

Benz moved to approve Resolution #2024-02. Salo seconded. Motion carried without dissent.

C. *The Reserve at High Cliff: Consider Development Concept.*

Interim Administrator Wessel noted the staff report does not include any attachments as it only lays out the decisions made in the past. She noted she and the developer are looking for feedback on how to proceed. Trustee Genisot noted he advocated for the topic to be placed on the agenda to get some closure for Wessel and the developer, as there has been a long history of the project at the CDA level with minimal Village Board input.

Trustee Herrmann expressed his frustration as the agenda item spells out consideration of a developer's agreement, while there is no information included in the packet for the Village Board to review. He added the concept of the development should have been vetted by the CDA and then recommended to the Village Board as a recommendation with all the necessary documentation. Wessel commented her challenge is that the Village Board cannot discuss the development without getting direction from the Village Board.

Developer Jim Boris commented he has been coming to the CDA for more than a year with comprehensive presentations that continuously were updated with the feedback provided by the CDA. He noted the CDA did contingently approve the concept plan in November, and that Wessel is making great strides with bridging the gap of knowledge, but acknowledged the Board could not decide based on the lack of material presented in the packet.

Genisot commented the development was turned down multiple times at the CDA, and the open session that the concept was approved in was not recorded. President Laux added the contingencies were a developer's agreement, financials capability with Ehlers, and updated renderings. Boris stated his best course of action is to withdraw the project at this time until the Village sorts out what they want to do. He noted based off the studies he presented to the CDA there is a market need for senior housing.

Trustee Benz noted the phase one study from Ehlers will benefit the Village as the motion was made regardless of the outcome of this development. Wessel added staff will be forwarding parcels to Ehlers to progress with their study. Genisot noted those parcels can be anywhere in the Village.

D. *Approve Auditing Services Contract for Fiscal Years 2024, 2025, and 2026.*

Benz moved to accept the proposal from CLA for years FY24 to FY26, and for staff to execute the contract. Herrmann seconded. Motion carried without dissent.

E. *Ordinance #2024-04: Amending Chapter 1-3 of the Village Code: Order of Business.*

Wessel noted she presented a completed staff report for each board member. She added that separating action items and reports was the key behind her proposed agenda language to better utilize the consent agenda. Wessel noted this agenda would avoid rehashing reports while dedicating more time to actionable items.

Wessel noted the only sections of the agenda that allow for approval of items are Consent Agenda, Old Business, and New Business. Herrmann suggested adding the language “action” or “no action” for consistency as some of the agenda items in Wessel’s proposal had the annotation included and some did not.

Salo moved to approve ordinance #2024-04, adding the phrasing action/no action as discussed. Benz seconded. Motion carried without dissent.

F. Request for Proposal Descriptions:

- *Assessment Services*
- *Stormwater Engineering Services*
- *Residential and Commercial Building Inspection*
- *Water and Sewer Utility Operations*

Salo moved to allow staff to proceed with the RFPs as proposed. Benz seconded. Motion carried without dissent.

G. High Cliff Cemetery: Request for Plot Sale and Perpetual Care Agreement (Fischer): Consider sale of one plot in Block D (Section 1).

Herrmann moved to approve the plot sale. Benz seconded. Motion carried without dissent.

13) *Complaints & Compliments:*

14) *Correspondences:*

A. Monthly Activity Report (Calumet County Sheriff; Mar.).

15) *Action Items.*

1. *Fund Balance Report*
2. *Concrete Driveway Ordinance*
3. *Purchasing Policy*
4. *MS4 Annual Report*
5. *Change order for Genskow*

16) *Closed Session: (Development Agreement – The Reserve at High Cliff) Per Wis. Stats. §19.85(1)(e), a governmental body may move to closed session when deliberating or negotiating the purchase of public properties, investing public funds, or conducting other public business whenever competitive or bargaining reasons require a closed session. And (Administrator Candidates Review) 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 8:21 pm. Laux seconded. Motion carried unanimously.

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

Herrmann moved to return to open session at 8:59 pm. Benz seconded. Motion carried without unanimously.

- 18) Adjournment.

Herrmann moved to adjourn at 9:00 pm. Benz seconded. Motion carried unanimously.

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