

**Village Board Special Meeting Minutes**  
Tuesday, May 28<sup>th</sup>, 2024

1) Call to Order and Roll Call.—President Laux called the meeting to order at 6:32 will roll call:

**Present:**

*Bob Benz*  
*Amy Brandt (Virtual)*  
*Tony Genisot*  
*Tom Herrmann*  
*Joyce Laux*  
*Kathy Salo*  
*Tyler Moore*

**Absent:**

*None*

**Others Present:**

*Diane Wessel, Interim-Administrator*  
*Sadie Slotke, Deputy Clerk (virtual)*  
*Bruce Genskow, Utility Operator-In-Charge*  
*Mike Kaster, Cedar Corp.*  
*Nick VandeHey, McMahon*

2) Pledge of Allegiance.—Recited.

3) Approval of the Agenda.

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

4) Consent Agenda: All items will be approved in one motion. If discussion is desired by members, that item will be removed from the consent agenda and discussed separately immediately after consent agenda approval.

- a. Approval of the Bills
- b. Approval of Village Board Minutes: *May 13.*
- c. Accept Report of Committees and Commissions:
  - i. *Park, Rec, and Urban Tree (PRUT)*
- d. Treasurer's Report.
- e. Operator's Licenses.
- f. Appointments: None.
- g. Correspondence: None.
- h. Other Routine, Non-Controversial Items.
  - *MCO Summary*
  - *High Cliff Cemetery: Plot Sale*

***Salo moved to approve the consent agenda. Benz seconded. Herrmann requested item c-i. be removed from consent agenda for discussion. Salo amended the motion to approve a, b, and d-h of the consent agenda. Benz seconded. Motion carried without dissent.***

*Herrmann requested that Stumpf explain the situation described in c-i. Stumpf explained that a letter was mailed to the residents in March telling them the play equipment they installed in a tree is located on village property, with property lines being confirmed by Cedar Corp locating the original corner lot line pins. A second letter was mailed May 7, telling them to remove the platform/swing/ladder from tree and no word since from homeowners. Herrmann questioned the protocol on why Stumpf/PRUT Board would be overseeing this violation rather than Interim-Administrator Wessel, and requested that Wessel follow-up with residents.*

***Salo moved to approve PRUT report. Benz seconded. Motion carried without dissent.***

- 5) Registered Citizen Comments on Agenda Items. The public may comment; however, no action can be taken. There shall be a three-minute time limit per person on nonrepetitive matters.—*None.*
- 6) Public Hearings
- a. Ordinance 2024-05: an ordinance amending Chapter 19 Use of Stormwater Pond Areas and Recreation Paths to Allow for the Use of Electric Toys.

*Public Hearing was opened, and ordinance title was read three times before closing the public hearing with no comments.*

***Salo moved to close the public hearing with no comments. Brandt seconded. Motion carried without dissent.***

- 7) Presentations (No Action).
- 8) Report of Village Officers (No Action).
- a. Village President.—*None.*
  - b. Clerk/Treasurer.—*None.*
  - c. Fox Cities Area Room Tax Commissioner.—*None.*

- 9) Engineer and/or Utility Operator (No Action).

*Kaster gave an update on the road project, explaining that there have been some minor delays due to weather, and some costs may come in lower due to the base course being in good condition. A pre-bid conference was held for the WWTP last week, with several contractors in attendance, and included a tour of the plant. Cedar Corp. anticipates receiving bids from three prime bidders, with bid opening on June 4. Bids will be presented to the Village Board in June. Kaster anticipates that the Clean Water Fund loan will be disbursed around October, but interim financing will be needed until then.*

- 10) Staff Reports (No Action)

- a. Administrator Report.

*Wessel met with the Sheriff's department earlier today to discuss the issuance of citations. More letters of violations will be sent out later this week. Herrmann requested notification of violations be sent to all trustees so they are aware of issues if residents reach out to them regarding the violation. Wessel further explained that some ordinances have specific timelines as to when violations have to be remedied, but all letters will provide a deadline so residents are aware when citations will be issued.*

- 11) Old Business (Action). *None.*

12) New Business (Action):

- a. Municipal Separate Storm Sewer System (MS4) annual report.

*Nick Vande Hey from McMahon presented the annual MS4 report. Most of village discharges to Lake Winnebago, a small eastern portion discharges into Kankapot Creek. Currently phosphorus TMDL (total maximum daily load) reduction is met for Kankapot Creek with a 41% reduction required, and Sherwood being at 42%. For Lake Winnebago, the goal is 83% reduction, with Sherwood only at 40%. The goal of sediment TMDL reduction for Kankapot Creek goal is 52% with Sherwood being close at 47% reduction. The goal of sediment TMDL reduction for Lake Winnebago is currently at 0%, which Sherwood has exceeded at 51%. Discussion ensued regarding options to meet the 2 goals that are currently unmet. In 2023 there was discussion with DNR about possibly re-opening the north wing of the Butterfly Pond to assist Sherwood with meeting TMDL, but the DNR decided they would not allow this. Other options include adding phosphorus removal systems and using a pond on golf course property, which current golf course owner (Jesse Troestler) is open to. Any option will cost multi-million dollars. Further discussion on how to fund included possibly implementing a stormwater utility, applying for grants, and special assessments.*

***Herrmann moved to approve MS4 report. Benz seconded. Motion carried without dissent.***

- b. Resolution 2024-06 Supporting and approving the new Appleton (Fox Cities) MPO Policy Board structure and redesignation agreement.

*Melissa Kraemer-Badtke was in attendance from the East Central Wisconsin Regional Planning Commission to explain the Appleton (Fox Cities) Metropolitan Planning Organization policy, and that Sherwood is within the boundaries. She outlined the possible board structure options, and explained that the Appleton and Oshkosh MPO may combine. Wessel explained that this resolution is simply to show Sherwood supports the MPO.*

***Benz moved to approve Resolution 2024-06 supporting and approving the new Appleton MPO policy board structure and redesignation agreement. Salo seconded. Motion carried without dissent.***

- c. Ordinance 2024-05: An ordinance amending Chapter 19 Use of Stormwater Pond Areas and Recreation Paths to Allow for the Use of Electric Toys.

*Laux read the ordinance during the public hearing to satisfy the first of two required readings. No action taken.*

- d. Position Descriptions

- i. Clerk/Treasurer.  
ii. Deputy Clerk/Treasurer.

*Wessel provided the existing Clerk/Treasurer job description, which is unchanged. The Deputy Clerk/Deputy Treasurer position will be new for Sherwood. She will provide a job description for the newly created Administrative Assistant position at a future meeting.*

***Salo moved to approve the Clerk/Treasurer and Deputy Clerk/Treasurer job descriptions. Benz seconded. Motion carried without dissent.***

- e. Resolution 2024-07; Authorizing resolution to apply for urban forestry and/or catastrophic storm grant(s).

*Wessel would like to apply for a grant to assist with cost of ash tree removal. The grant application opens in June, and a resolution is required by DNR.*

***Benz moved to approve resolution 2024-07 authorizing resolution to apply for urban forestry and/or catastrophic storm grant(s) and direct staff to prepare an application for an urban forestry start up grant for the Village of Sherwood fiscal year 2025. Salo seconded. Motion carried without dissent.***

- f. Ordinance 2024-06; An ordinance allowing concrete driveway aprons in rights-of-way of streets that do not have curb and gutter.

***Herrmann moved to suspend the rules of the Village Board to dispense with required ordinance readings and to allow for a vote on ordinance 24-06 at the same meeting that it was introduced. Benz seconded. Roll call vote, 7-0.***

***Herrmann moved to approve ordinance 24-06, an ordinance amending chapters 5-7, paragraph E of the Village of Sherwood Code of ordinances to allow for concrete driveway aprons in the rights-of-way of streets that do not have curb and gutter. Salo seconded. Motion carried without dissent.***

- g. Special assessment policy regarding concrete driveway aprons in rights-of-way of streets that do not have curb and gutter.

Wessel explained that the special assessment policy needs to be updated to reflect ordinance 24-06.

***Herrmann made a motion to approve changing the assessment policy language related to concrete driveway aprons in rights-of-way of streets without curb and gutter to read: If the driveway apron is concrete, except where the existing concrete apron is adjacent to an existing curb and gutter, the difference in cost for replacement of concrete compared to asphalt shall be borne 100% by the property owner. Moore seconded. Motion carried without dissent.***

- h. Codifying special assessment policy—discussion only; no action.

*Wessel explained that the special assessment policy has not been codified, making it not transparent. The language can be as general or specific as the board wants, as provided in the examples in the packet.*

13) Matters to be placed on next agenda.

- a. *Consider change to PTO structure.—Still working on this item.*
- b. *Health insurance opt out.—Still working on this item.*
- c. *State and local cybersecurity grant program.—Reached out to AIT to request assistance.*
- d. *Consider implementing second step of suggested sewer rate increase.*

14) Closed Session: *(Administrator candidates and Clerk-Treasurer vacancy)* 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.

***Benz moved to go into closed session at 8:06pm. Salo seconded. Motion carried with roll call 7-0.***

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

***Salo moved to return to open session at 8:55pm. Moore seconded. Motion carried without dissent.***

***Herrmann moved to direct the administrator to offer the position of Clerk/Treasurer to the candidate as discussed. Motion carried without dissent.***

16) Adjournment.

***Herrman moved to adjourn at 8:56pm. Benz seconded. Motion carried without dissent.***

*Respectfully submitted for review and approval by Sadie Slotke, Clerk-Treasurer.*