

Village Board Meeting Minutes
Monday, June 24, 2024

1) *President Laux called the meeting to order at 6:32 with roll call:*

Present:

Bob Benz
Amy Brandt
Tony Genisot
Tom Herrmann
Joyce Laux
Kathy Salo
Tyler Moore

Absent:

None
Others Present:
Diane Wessel, Interim-Administrator
Sadie Slotke, Clerk/Treasurer
Devin Plate, MCO
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) 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: *June 10*.
 - c. Accept Report of Committees and Commissions:
 - i. *WWTP Sub-Committee*.
 - d. Treasurer's Report.
 - e. Operator's Licenses.
 - f. Appointments: *Tony Genisot to CDA*.
 - g. Correspondence.
 - h. Other Routine, Non-Controversial Items.
 - *MCO Summary*
 - *Liquor/Tobacco Licenses*.

Salo moved to approve the consent agenda. Moore seconded. Genisot would like to remove f and d for discussion. Benz would like to remove a for discussion. Salo amended her motion to approve b, c, e, g, and h. Moore seconded. Motion carried without dissent.

Benz mentioned concerns regarding the bills, which he thinks overall are high. Benz also wants to see the budget comparison on a regular basis. Slotke will have the budget comparison report at the first meeting of each month. Genisot had a question regarding payment to unemployment insurance, which Slotke acknowledged has been a regular payment as a previous employee has been collecting unemployment.

Genisot wanted to discuss his appointment to the CDA, and see if a different trustee may be a better choice. Salo said that since disbanding the CDA won't be discussed for six months, they will continue to conduct business as usual, and thinks Genisot's experience on the CDA will be a benefit moving forward.

Herrmann moved to approve items a, d, and f of the consent agenda. Moore seconded. Motion carried without dissent.

5) Registered Citizen Comments on Agenda Items.

Ned Marks W4897 Escarpment Terrace

Marks voiced concern about the US flag at Wanick Park not being illuminated all night, which is against US flag code. He requested the flag be taken down until it can be properly lighted. Laux acknowledged this topic is not on the agenda but will be discussed with the PRUT board.

6) Public Hearing: *None.*

7) Presentations (No Action): *None.*

8) Report of Village Officers (No Action).

a. Village President.—*None.*

b. Clerk/Treasurer.—*Slotke mentioned that the new community sign is scheduled to be installed in July.*

c. Fox Cities Area Room Tax Commissioner.—*Benz was part of the Scholarship Legacy Committee, with three scholarships being awarded. Spencer Winnekens is the first Sherwood resident who has been awarded this scholarship. Benz also mentioned that through May, revenues are up and expenses are down and they are excited to begin the building addition.*

9) Engineer and/or Utility Operator (No Action).—*Devin Plate, MCO, mentioned that due to the excessive rain over the weekend, two loads of 10,000 gallons from high cliff lift station were pumped into the lagoons at the treatment plant.*

10) Staff Reports (No Action).

a. Administrator Report.—*Wessel mentioned that staff would like to close the office on Friday, July 5 due to the holiday. She is working with AIT to apply for the cyber-security grant, which is due in August. Wessel also mentioned that the WISDOT speed study was complete, and they are extending the 30mph zone on the south end of the village.*

11) Old Business (Action):

a. Assessment Services.

Wessel mentioned that we received two proposals for assessment services. She also noted that the chart she included in her report has the prices reversed for the two companies. Herrmann voiced concern that the two proposals weren't comparable since the Municipal Group only provided a price for an exterior only revaluation, where Associated Appraisal offered prices on three revaluation options. This proposal is for a five year contract and a revaluation will need to be complete during that time.

Salo moved to proceed with the Associated Appraisal proposal. Herrmann seconded. Motion carried without dissent.

12) New Business (Action):

a. Resident Encroachment on Village Property.

Herrmann explained that some residents on Cherrywood Drive have been encroaching on village property for many years, and a precedent is being set by allowing it. Herrmann further explained his frustration that this hasn't been addressed despite it being brought to the attention of the board several weeks ago. Salo explained that other residents have requested permission to plant shrubbery/landscaping in easements and have been denied. Wessel explained that code enforcement takes a lot of time, she has addressed several properties, but she simply hasn't had time to address this specific violation. She is working through a list of complaints, but she has limited time. Wessel further explained that the Village did away with a code enforcement officer years ago, and enforcement got relaxed over the years.

b. Enforcement of Noise Ordinance.

Wessel explained that we aren't able to enforce the noise ordinance because it is in chapter 7 and 22, which contradict each other. The decibel chart in chapter 22 has levels that are extremely low. Noise shouldn't be regulated within the zoning code, chapter 22. Wessel recommends having this topic go to the Plan Commission, and have them recommend striking the noise ordinance from chapter 22. A zoning code audit is going to be discussed at the Plan Commission.

c. Planning and Zoning LOA.

Mike Kaster introduced Krista Kamke of Cedar Corp, who can assist with planning and zoning on a time and materials cost basis. Kamke can assist with the zoning code audit/rewrite as well. Wessel clarified that Kamke is experienced with zoning, shoreland zoning, and subdivision planning, but wouldn't be assisting with other violations, such as noise complaints. Wessel mentioned that in the past, the Administrator has overseen planning, zoning, and code enforcement. The cost of contracting these services out could possibly be taken from the budgeted administrator salary and benefits, with a budget amendment. Slotke will provide more details at the next meeting on how much of the administrator salary and benefits budget has been spent and would possibly be available to pay to contract with Cedar Corp for the remainder of 2024.

d. Incremental Implementation of Sewer Utility Rate Increases.

The first sewer rate increase occurred in July 2023. Future rate increases will have to be adjusted to account for the WWTP construction costs being higher than anticipated.

Herrmann moved to implement the next sewer rate increase on September 1, with a public hearing being held in August. Laux seconded. Motion carried without dissent.

e. WWTP Construction Contract Award to Miron.

WWTP sub-committee met last week to discuss the bids and where the estimates came in higher than anticipated. There are three areas that explain the increase: One is the design plan evolution caused some changes and increase in price. The second reason is certain change requests made by staff and the subcommittee. The third reason is simply market conditions and inflation. Miron Construction had the low bid at \$8,834,400. Rebidding doesn't seem like a good option to reduce costs because several prospective bidders declined due to their workload and inability to meet construction deadlines. Rebidding might also cause equipment prices to increase.

Kaster further explained that this upgrade is needed to meet compliance, and there isn't really anything extra that can be cut to reduce costs. Prices are locked for 45 days from bid opening. Benz commented that after the WWTP subcommittee met last week, all were in agreement that the current low bid from Miron is the best option.

Salo moved to award the contract to Miron without either alternate option at \$8,834,400. Herrmann seconded. Motion carried without dissent.

f. WWTP Construction Engineering Services LOA.

Salo moved to approve the WWTP Engineering Letter of Authorization for \$925,000. Benz seconded.

Genisot wanted clarification on the amount already paid to Cedar Corp, and how much additional will be paid. Kaster said the total of design engineering will be \$718,360, most of which has been spent already. The additional \$925,000 in this letter of authorization is for construction engineering services.

Motion carried without dissent.

g. Cell Tower Regulations.

Wessel explained that she had an inquiry from a company regarding cell tower regulation. Sherwood doesn't have any cell tower regulations, including no limitations on location. In absence of Sherwood creating regulations, we default to state statute. Wessel further explained the village would have limited authority to regulate and would have to establish a

permitting process, therefore recommends no change and continue defaulting to state regulations. No action taken to continue defaulting to state regulations.

13) Matters to be placed on next agenda.

Slotke clarified that she will provide a budget comparison report and information regarding the administrator salary and benefits spent to date.

14) Closed Session: *Review of suspected violation of Section 6a (Claimant's Non-Disparagement) of Mader Settlement Agreement.* Per Wis. Stats. §19.85(1)(g), the Village Board may move to a Closed Session while conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Review of request for TID application fee refund and/or developer agreements for the Reserve at High Cliff & Sherwood Assisted Living. Per Wis. Stats. §19.85(1)(e), the Village Board may move to a Closed Session while deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Benz moved to go into closed session at 8:19pm. Salo seconded. Laux invited Padrick Dunn, incoming Administrator, to participate in closed session. Motion carried via roll call.

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

Herrmann moved to return to open session at 8:58pm. Brandt seconded. Motion carried via roll call.

Salo moved to refund the TID fees as requested due to staff turnover and re-alignment of CDA authority. Brandt seconded. Motion carried without dissent.

16) Adjournment.

Herrmann moved to adjourn at 8:58pm. Moore seconded. Motion carried without dissent.

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