

Village Board Minutes
January 10, 2000

- 1) Call to Order and Roll Call: The meeting was called to order at 6:30 p.m. and roll was called.

Present

Bill Barribeau
Andy King
Lynn Milheiser
Carl Thomson
Don Schneekloth
Bob Wittmann

Absent

Joyce Laux – Excused

Others Present

Steven Frassetto, Attorney
Rich Moxon, Public Works Supervisor
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance

- 3) **Approval of Minutes: November 22, 1999, December 13, 1999, December 27, 1999**

- a) **Wittmann moved to approve minutes of November 22. Schneekloth second. Motion carried.**
- b) **Wittmann moved to approve minutes of December 13. Barribeau second. Motion carried.**
- c) **Wittmann Moved to approve minutes of December 27. Barribeau second. Motion carried.**

- 4) Registered citizen comments on agenda items: Frank Schneider, W4888 Springhill Road, registered to comment on agenda items 6, 8(a), and 10(a).

- 5) **Consent Agenda**

Consideration of Operators' License Applications

- a) **Emily Mueller - Schneekloth moved to approve. Second by Thomson. Motion carried**
- b) **Jaclynn Sawlsville – Milheiser moved to approve a provisional license. Second by Schneekloth. Motion carried.**

- 6) **Report of PRUT Board:**

- a) **Recommend acceptance of an offer by Sherwod Optimist Club to:**

- i) **Make monetary donations to programs that benefit youth**
- ii) **Contribute volunteer efforts to install playground equipment in Community Park**
- iii) **Purchase and install permanently fixed team benches at baseball diamond**
- Schneekloth moved to accept offer. Barribeau seconded. Motion carried.**

- b) **Recommend approval of a budget amendment to carry forward from the 1999 to the 2000 budget unearned revenue and unspent expenditure line items for tree grant and tree installation. Expenditures for tree planting to be accomplished by June 2000:**

Maxymek reported that the revenue in the 99 budget was \$4000 and the expenditure was \$6000. Barribeau moved to approve and to obtain bids for tree planting. Wittmann seconded. Motion carried.

- c) **Recommend approval of a master plan for development of the Castle Drive “TIF” park, with 2000 priority for site grading, installation of soccer fields, installation of graveled parking lot and installation of trail along Castle Drive:**

Schneekloth moved to approve the plan, stipulation that soccer fields be developed for optional use as football field. Wittmann explained that the soccer fields were configured so that the three small fields can be utilized together as a large field for special regulation soccer or football events. **King seconded the motion. Wittmann moved to recognize comments by Frank Schneider. Thomson seconded. Motion carried.** Schneider admonished that when state or federal grant funds are accessed for purposes of park development that the parks are no longer under local control. Schneekloth stated that Sherwood parks should be open to all visitors and should invite all to take up residence in Sherwood. **The original motion by Schneekloth/King carried.**

d) Recommend appointments to fill two vacancies on the PRUT Board: Wittman moved to appoint Lee Fredericks. King seconded. Motion carried. Barribeau moved to appoint Harley Zietlow. Milheiser seconded. Motion carried.

7) Report of Village Officers

a) **President** - Schneekloth made a formal declaration that Wittmann should have abstained from voting on the issue of the 6 foot vacation of State Park Road right of way.

b) Clerk/Treasurer

i) **Clerk/Treasurer Voucher List/Finance Report for Review:** The reports were accepted without comment.

ii) **Revise Cemetery Policy to allow conveyance of deeds and agreements as an administrative function [Schneekloth 12/13/99]: Milheiser moved to approved the additions to the policies. Barribeau seconded.** Schneekloth noted concern that the village might be held liable for damage to property such as headstones in the cemetery due to vandalism. The clerk was instructed to check with the present insurance carriers to determine if coverage for such damage is in place. Wittmann commented that homeowner policies of families with headstones would cover that type of damage, however, when immediate family were all deceased there might be gaps in coverage. Frassetto reported that the governor has established a task force to study problems developing because many communities have been put into a position of having to take over abandoned cemeteries. He is following the progress of legislation aimed at providing monetary relief to such municipalities. **The motion carried.**

8) Village Attorney

a) **Report regarding David Petrie/Mustang Acres storm water drainage tile question [December 13,1999]:** Frassetto reported progress on working out a compromise on the final issue of this redevelopment agreement. The compromise may be a credit for installing a 36" drainage pipe rather than a smaller size. The size of the smaller diameter pipe is being negotiated currently.

b) Acceptance of Contracts

i) **Vandewalle & Associates, Comprehensive Master Plan [approved Oct.11, 1999]:** Corrections have been made to the draft contract. The final issue to be resolved is whether travel expenses will be limited to mileage, an acceptable expense, or whether it was meant to include travel time based on an hourly wage rate, an unacceptable expense.

ii) **Waste Management, Garbage and Refuse Collection [Dec. 13, 1999]:** Changes as requested were made to the contract draft and it is ready to be signed.

- c) **Recommend motion to MOVE INTO CLOSED SESSION** at the end of the meeting per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to **RETURN TO OPEN SESSION** to take further action or to adjourn the meeting: So recommended.

9) **Village Engineer**

- a) **Letter of inspection and approval of Fairway Estates roadway construction:** No action was required at this time. Moxon reported that Fairway Estates will be kept open by the village plows but will be cleaned on a less pressing time frame than roads with occupied properties.

10) **Unfinished Business from Previous Village Board Meeting**

- a) **Report regarding completion of contingencies required of Windswept Shores II [pending attorney contact]:** Frassetto stated that the one issue that impedes the completion of the contingencies. As of this date, he reported, no subdivision preliminary plat has been submitted for the ponds on the south side of State Park Road known as the Sanctuaries. Until the proper permitting of these ponds is completed he cannot recommend the approval of the Windswept Shores II subdivision. When asked by Attorney Frassetto if preliminary plat plans were going to be submitted, Schneider responded in the negative. Frassetto stated to Mr. Frassetto that these ponds, identified as the pond on Lot 167 and the pond surrounded by trees, both on the south of State Park must be permitted.
- b) **Report regarding implementation/budgeting of Emergency Numbering signage [pending trustee implementation activity]:** Pending additional information.

11) **Presentation of correspondence, resolutions, and related matters**

- a) **Access to snowmobile trail along village right of way:** Barribeau reported that he was contacted by residents about clarification regarding access to the trails. He did not see a problem with village residents accessing the snowmobile trails. Residents Tim Montour and Lt. John Hocks of the Calumet County Sheriff Department addressed aspects of the issue. Lt. Hocks called attention to a section of the statutes that restrained the legal speed of snowmobiles running during nighttime hours within 150 feet of a dwelling. The attorney was instructed to obtain a model snowmobile ordinance for consideration in an effort to clarify access routes.
- b) **Milheiser reported a need for a key to the Community Center by the Commander of the American Legion post.** The trustees agreed to give a key to the Bob Steffes of the Legion to allow them building access.

Schneekloth made a motion to move into closed session according to the statute stated above at 6:25 p.m. Second by Barribeau. Motion carried.

Schneekloth moved to return to open session at 8:20 p.m. Seconded by Barribeau. Motion carried.

12) Adjournment: Barribeau moved to adjourn at 8:20 p.m. Milheiser seconded. Motion carried.

Special Village Board Meeting Minutes
January 17, 2000

1) Call to Order and Roll Call: The meeting was called to order at 6:15 p.m. and roll was called

Present

William Barribeau

Andrew King

Lynn Milheiser

Carl Thomson

Donald Schneekloth

Robert Wittmann

Absent

Joyce Laux

Others Present

Ellen Maxymek, Clerk

2) Pledge of Allegiance

3) Approval of Minutes: None

4) Registered citizen comments on agenda items: None

5) Recommend motion to MOVE INTO CLOSED SESSION at the end of the meeting per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting: **Schneekloth made motion to move into closed session at 6:17 p.m. Thomson seconded. Motion carried.**

Schneekloth moved to return to open session at 7:05 p.m. Barribeau seconded. Motion carried.

6) Presentation of correspondence, resolutions, and related matters: None

7) Adjournment: Milheiser moved to adjourn at 7:05 p.m. Schneekloth seconded. Motion carried.

Village Board Meeting Minutes
January 24, 2000

- 1) **Call to Order and Roll Call:** The meeting was called to order at 6:30 p.m. Roll was called as follows:

Present	Absent
William Barribeau	Robert Wittmann-Excused
Andrew King	Others Present
Joyce Laux	Steven Frassetto, Attorney
Lynn Milheiser	Lisa Lau, Finance Clerk
Carl Thomson	Rich Moxon, Public Works
Donald Schneckloth	Ellen Maxymek, Clerk

- 2) **Pledge of Allegiance**
3) **Approval of Minutes: Milheiser moved to approve the minutes the minutes of January 10, and January 17, 2000. Barribeau second. Motion carried.**

- 4) **Registered citizen comments on agenda items:**

Mark Weaver, W4607 High Cliff Road Menasha, Re. Agenda item 5
Kathy Weaver, W4607 High Cliff Road Menasha, Re. Agenda item 5
Jan Keuer, N252 Kings Court Sherwood, Re. Agenda item 5
Tim J. Montour, N7798 Spurline Court Sherwood, Re. Agenda item 8,b
Frank Schneider, W4888 Springhill Road Sherwood, Re. Agenda item 10
Mark Ziemann, Re. Agenda item 5

- 5) **Report of Plan Commission:
Items for Action**

- a) **Recommend no action regarding CSM presented by Mark Weaver creating Lots 1 and 2 from unplatted land west of Hwy. 114/55 on High Cliff Road, Town of Harrison until completion of extra-territorial agreement:** Schneckloth reported the Plan Commission understanding that since there is no extra-territorial in place with the Town of Harrison at this time, it had no authority to approve or disapprove the CSM plat division. Frassetto reported that the Village automatically has extra-territorial plat review, since it adopted a Subdivision Ordinance. However, that means that land division can only be denied in the one and one-half (1½) mile extra-territorial area if there is bona-fide reasoning such as non-compliance with the Village's own land division requirements. Frassetto further stated that this plat review authority should not be confused with the existence of or formulation of an extra-territorial zoning agreement. Schneckloth then expressed a concern of the Commission that this parcel could become a pocket of undeveloped land within developed land which may eventually be incorporated into the Village. Keuer explained that she and her husband were buying the land as an investment, and for recreational use, perhaps eventually erecting a shed. They have, she stated, no other plans for the property until far in the future and would be willing to sign an agreement stipulating that they would annex to the village should any such development be undertaken. The trustees indicated that such an agreement was not necessary. Frassetto reported that if an extra-territorial zoning agreement were concluded in the future the trustees would gain some control over zoning issues including the specified land. **Schneckloth moved to approve Item 1a of the Plan Commission Report. King seconded. The motion carried.**

- b) **Recommend acceptance of Fairway Estates roadways contingent upon a June 30, 2000 or earlier acceptable walk through, completion of punch list items, and final approval:**
- c) **Recommend issuing building permits for Fairway Estates Subdivision contingent upon a June 30, 2000 or earlier acceptable walk through, completion of punch list items, and final approval: Schneekloth moved to approve items b above and c. Barribeau second. Motion carried.**

For Information Only

- d) Develop further plans for reconstruction of Pigeon Road when placement of trail is decided by trail committee
- e) reconstruction of Pigeon Road
- f) Accepted letter from Village Attorney regarding mapping of proposed development outside village boundaries and status of extra-territorial committee

Report of Village Utility Commission

- a) Recommend approval of 1999 Compliance Maintenance Annual Report.
- b) Recommend approval of letter to East Central Wisconsin Planning Commission in response to the preliminary Waverly Sanitary District expansion.
- c) Recommend approval of vacation policy.
- d) Recommend approval of life insurance plan.

For Information Only

- e) Approved McMahon proposal for DO Modification Unit for WWTF.
- f) Approved truck lease from Pietroske.
- g) Fox Lane Loop started on 1/17/00.
- h) D. Petrie to have well permitted until Mustang Acres second phase.
- i) Well Ordinance amendment to be edited by G. Rosenbeck.

Milheiser moved approve the Utility Report. Laux second. Schneekloth stated, regarding action items 3 and 4, that he believed it ill advised to approve a different policy for the utility personnel than for administrative and public works personnel. Laux and King concurred in this assessment. Schneekloth also stated that he opposed spending unbudgeted money as in the case of life insurance expenditures, and that additional quotes be obtained. Milheiser requested that Lau explain the life insurance quote. Lau reported that the \$113.20 per month would be split 1/3 to the utility and 2/3 to the village. Milheiser stated that she believed that budget approval for life insurance failed to pass only because inaccurate information about cost was given to the board. She also stated that changes to the vacation policy were mistakenly interpreted by the coordinator and were not properly made in the personnel policy. Further, she said, an increase in vacation did not result in increased expenditure. Because all these issues were discussed in closed session, decisions were not recorded. **In a voice vote on the original motion, AYE votes were cast by Barribeau, Milheiser, and Thomson. NAYS were voiced by Laux, King, and Schneekloth. The motion failed on a split vote. Laux moved to approve items 1 and 2. Schneekloth second. Motion carried. Laux moved to take up items 3 and 4 after review of the budget figures. Thomson second. Motion carried.**

7) Report of Village Officers

a) President

b) Clerk/Treasurer

- i) Clerk/Treasurer Account Payable List/Finance Report for Review-Report given without comment.
- ii) Approval of donation of \$25.00 gift certificate to Heart of the Valley Chamber of Commerce Fun Nite 2000-**Laux moved to approve the donation as stated. Schneekloth second. Motion carried.**
- iii) Approval of donation request from UW Extension for Senior Family Fest-**Barribeau moved to approve a \$200 donation. Thomson second. Motion carried.**
- iv) Financial Audit-**Laux moved to approve the audit. Milheiser second. Motion carried.**

8) Village Attorney

a) Report regarding David Petrie/Mustang Acres storm water drainage tile question

[December 13,1999]- Frassetto had received nothing back from Petrie's attorney. Nothing new to report.

b) Introduction of model snowmobile ordinance-Frassetto reported the only problematic part of writing such an ordinance would be deciding which roads to designate.

Schneekloth asked about whether it was prudent to spend time writing and adopting such an ordinance. The attorney stated the only problem might be that the sheriff department may not come into the village to issue citations. Schneekloth then suggested that a letter be sent to the sheriff department stating that residents be able to access village ditches and road shoulders to access the snowmobile trails. Resident Montour asked that some direction be given so that residents know how to proceed. Upon consensus, Schneekloth gave the floor to resident Paul Kurutz, who stated he was not opposed to snowmobile access, and that it seemed a natural way for villagers to recreate. Following a question by Thomson regarding village liability, Frassetto reported that recreational immunity statutes would protect the village from liability. **Schneekloth moved to write a letter to the Calumet County Sheriff Department stating the Village's intention to allow snowmobile access to trails along unpaved right-of-way. Laux second. Motion carried.** The Clerk was instructed to compose the letter and have it signed by the President.

c) Recommend motion to MOVE INTO CLOSED SESSION at the end of the meeting per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to **RETURN TO OPEN SESSION** to take further action or to adjourn the meeting-Recommended as stated.

9) Village Engineer-None

10) Unfinished Business from Previous Village Board Meeting

- a) Report regarding completion of contingencies required of Windswept Shores II [pending attorney information]-Schneider, after quoting from the minutes of January 10, stated he made a statement during that meeting that he did not intend to submit preliminary plat plans **at this time** or **not immediately**. Schneider stated his understanding that the zoning ordinance listed as a permitted use the construction of ponds on R-1 property. Frassetto stated that ponds could be constructed in such a manner as stipulated by either the zoning or the subdivision ordinance but that Schneider had not followed through the process of obtaining the proper permits or submitting a preliminary plat. He is clarifying all this in his letter to Mr. Schneider.

- b) Report regarding implementation/budgeting of Emergency Numbering signage [pending quotes]-No new information. Clerk is in the process of obtaining quotes for decals.

11) Presentation of correspondence, resolutions, and related matters

- a) Barribeau asked if new appointees to PRUT board had been notified of their appointment and received packets of information. The clerk said that she had not had time to accomplish these tasks but would complete them at the earliest opportunity.
- b) Thomson asked whether the Community Planning Forum designed team had been contacted. Schneekloth reported that contacts had been made but answers to the invitation to be a member of the design team were not all in.

Schneekloth made a motion to move into closed session at 7:40 p.m. Laux second. Motion carried.

Schneekloth moved to return to open session at 8:00 p.m. Thomson second. Motion carried.

Schneekloth moved to have the clerk make an offer of employment as Coordinator/Code Administrator to Joshua Van Lieshout for an starting salary of \$37,500 and including benefits. The motion was seconded by Barribeau. Upon roll call vote the motion unanimously carried.

12) Adjournment-Schneekloth moved to adjourn at 8:02 p.m. Barribeau second. Motion carried.

Village Board Meeting Minutes

February 14, 2000

1) **Call to Order and Roll Call:** The meeting was called to order at 6:30 p.m. and roll was called.

Present

William Barribeau
Joyce Laux, 7:00 p.m.
Andrew King
Lynn Milheiser
Don Schneekloth
Robert Wittmann

Absent

Carl Thomson Excused

Others Present

Steven Frassetto, Attorney
Rich Moxon, Public Works Department
Ellen Maxymek, Clerk

2) **Pledge of Allegiance**

3) **Approval of Minutes: Schneekloth moved to approve the minutes of January 24, 2000. Barribeau seconded.** Milheiser asked that the minutes reflect an abstention by Schneeloth to agenda item 7 b iv. **Motion carried.**

4) **Consent Agenda**

a) **Approval of Operator License Applications**

i) Jaclynn R. Sawlsville – **Schneekloth moved to approve. Wittmann seconded.**

Motion carried with Milheiser voting nay.

ii) Dawn Buczek (Provisional) – **Schneekloth moved to approve. Milheiser seconded.**

Motion carried.

5) **Registered citizen comments on agenda items**

- Ken Herris, W4925 Sunset Lake Ct., Agenda item 6.
- Frank Schneider, W4888 Spring Hill Rd., Agenda items 6, 11b, 12a

6) **PUBLIC HEARING** on the passage of a Resolution vacating and discontinuing a portion of State Park Road in the Village of Sherwood described as follows: The North six (6) feet of State Park Road from the East right-of-way line of Lakeshore Drive to the West right-of-way line of Pigeon Road.

- Herris stated that it was important to keep land available for walking trails.
- Lee Stevenson, owner of Lot 174 abutting the portion of State Park Road in question, stated that he could not support the vacation until he knows where trails might be placed.
- Schneider commented that the public hearing input thus far was incomplete and doesn't address the real issue. He further stated that the Village was trying to condemn a 6 foot strip of land.

After three calls for public comment, Schneekloth closed the public hearing.

7) **Resolution vacating and discontinuing a portion of State Park Road presented for final action.** Attorney Frassetto reported that two abutting property owners objected in writing to the vacation. After establishing that the objections were valid he reported that the statutes state that these abutting property owners have veto power over a board decision to vacate. **Wittmann moved to give the floor to Schneider. Milheiser seconded. Motion carried.** Schneider stated that when this road came back to the village it was a 60 foot right-of-way and that the 6 feet under discussion is his property. Frassetto responded that, while they were of the impression it was a 60 foot right-of-way, the village was informed by Schneider's

engineer that it was recorded as 66 feet. It was at Schneider's initiative that the resolution to vacate came forward in the first place. Frassetto agreed to confirm that the 6 feet is owned by the village. At this time, however, it is a mute point because the board cannot act on the resolution.

8) Report of Village Officers

a) **President:** Schneekloth reported that the President's Newsletter has gone out promoting the Community Vision Planning Event to take place on March 25, and encouraging attendance.

b) Clerk/Treasurer

i) **Account Payable List/Finance Report for Review:** The accounts payable list was distributed for review.

ii) Approve appointment of Election Workers

Betty Berghuis	Cheryl Warrens
Rose Mary Brantmeier	Deborah Wisnet
Amy Schneekloth	Kate Zietlow
Carol Seidel	

Maxymek reported the addition of Carol Christenson to the list of inspectors. **Barribeau moved to approve the appointments as listed with the addition of Carol Christenson. Wittmann seconded. Motion carried with Milheiser voting nay and Schneekloth abstaining.**

9) Village Attorney

a) Report regarding David Petrie/Mustang Acres storm water drainage tile question [December 13,1999]- Frassetto reported that Engineer Rosenbeck agreed to a compromise with the village paying for the oversizing of the drainage pipe. Frassetto left messages for Petrie's attorney and expected a response in time for approval the next board meeting.

b) Recommend motion to MOVE INTO CLOSED SESSION at the end of the meeting per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting

10) Village Engineer

a) Rosenbeck requested that Frassetto inform the board that he is making requested changes to the Wellhead Protection Ordinance. He will take the changes to the Utility Commission and then to the Village Board for final approval.

b) Rosenbeck raised the issue through Frassetto of the need to re-establish and convene the Extra-territorial Zoning Committee. Frassetto has the procedural outline to re-establish near completion and forward it to the Plan Commission for implementation.

11) Unfinished Business from Previous Village Board Meeting

a) Report regarding completion of contingencies required of Windswept Shores II [pending attorney information] – Frassetto again reported that the Windswept Shores II drainage plan drains into the ponds on the south side of State Park Road. He reported that the original land use permit application requires some engineering data before it can come to the board for approval. Schneider stated that he has paid fees for the processing of the permit and has never received a response from the former coordinator. He also stated his

belief that this permit should be grandfathered because it was started before ordinance changes.

- b) Approval of Official Map of the Village [Schneekloth: February 8, 2000] – Frassetto reported that recommendation for approval of official map should come from the Plan Commission before it comes before the Village Board for final approval. Wittmann reported that he wanted to see Pigeon Road out to Hwy. 114 actually appear on the official map.
- c) Report regarding implementation/budgeting of Emergency Numbering signage – Maxymek reported on implementation options and on the quotes received for signage. No action was taken.
- d) Approval of Utility Commission recommendations [Laux: January 24, 2000]
 - i) Recommend approval of vacation policy – Schneekloth moved that the utility and village vacation policy is to remain exactly the same. Laux seconded. Milheiser remarked that this was an attempt by the Utility Commission to clean up policy change decisions that were made by the board but were never correctly changed in the personnel text. Barribeau moved to table the motion and discussion until the trustees had the opportunity to review and come up with recommendations regarding the policy.
 - ii) Recommend approval of life insurance plan – Schneekloth recommended tabling discussion until calculations are available broken out by wages and benefits, proposed and adopted for each employee.

12) Presentation of correspondence, resolutions, and related matters

- a) Correspondence from Vickie Milde re. Bike Trail Planning considerations – Schneekloth stated that he believed the trail would be best positioned to continue along State Park Road. Wittmann disagreed believing that the trail should go east from State Park along Natures Way and then south along Pigeon. Barribeau reported that the Bike Trail Committee has preferred an off road trail. He further reported that now that Town of Harrison has selected their trail route along Eisenhower Road the Sherwood planning can move forward at a faster pace. The committee will make recommendation to the Park, Rec and Urban Tree Board, which will then report to the Plan Commission and to the Village Board.

Schneekloth made a motion to move into closed session at 7:22 p.m. Laux seconded. Motion carried.

Schneekloth moved to return to open session at 8:00 p.m. Laux seconded. Motion carried.

Schneekloth moved to have clerk contact Don Jabas & Associates to secure quotes for health insurance and for emergency long term disability insurance for eligible employees. King seconded. Barribeau amended the motion to include securance of quotes from Wisconsin County Association. King seconded. Amendment carried. Main motion carried.

13) Adjournment – Schneekloth moved to adjourn at 8:05 p.m. Laux second. Motion carried.

Minutes submitted by:

Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

February 28, 2000

- 1) Call to Order and Roll Call: The meeting was called to order at 6:30 p.m. Roll was called as follows:

Present

William Barribeau
Joyce Laux
Andrew King
Lynn Milheiser
Don Schneekloth
Robert Wittmann

Absent

Carl Thomson - Excused

Others Present

Steven Frassetto, Attorney
Rich Moxon, Public Works Department
Ellen Maxymek, Clerk
Joshua Van Lieshout, Coordinator

- 2) Pledge of Allegiance

- 3) **Approval of Minutes: Wittmann moved to approve the minutes of the February 14, 2000 meeting. Milheiser seconded. Motion carried.**

- 4) **Consent Agenda**

- a) Approval of Operator License Application

- i) Dawn Buczek – **Milheiser moved to approve the operator license. Schneekloth seconded. Motion carried.**

- 5) **Registered citizen comments on agenda items** –The following registered to comment:

- Frank Schneider, W4888 Springhill Dr., Agenda items 8a, 11a, 11b, 12a, 13a
- George W. Twohig, Attorney, on behalf of David and Joan Petrie, Agenda item 10a
- David Petrie, N7986 Stommel Rd., Agenda item 6, 10a
- Joan Petrie, N7986 Stommel Rd., Agenda item 6, 10a

- 6) **Report of Plan Commission:** The items on the report were addressed individually as follows:

- a) Tabled action to recommend approval of Official Map of the Village until after meeting with Town of Harrison Board/Plan Commission in the following month – Barribeau reported that a meeting with the town board has been scheduled immediately following the Plan Commission meeting on March 21, 2000.
- b) Recommend approval of CSM presented by Douglas Schneider, High Cliff Supper Club creating Lots 1 and 2 from part of the South ½ of the Southeast ¼ of Section 25, Town 20 North, Range 18 East, Village of Sherwood – **Wittmann moved to approve the CSM. Schneekloth seconded. Motion carried.**
- c) Recommend approval of petition by Christ the King Church for direct annexation of Lot 1, Section 32 STH 55/114, Town of Harrison – **Wittmann moved to approve the petition for annexation. Schneekloth seconded.** Milheiser reported and Frassetto verified that the legal description for the purpose of annexation is inaccurate. Frassetto has contacted the attorney for Christ the King Church for correction and resubmission. **Wittmann withdrew his motion.**
- d) Recommend approval of request regarding issuance of building permits in Mustang Acres contingent upon completion public facilities by August 1, 2000. **Barribeau moved to approve the contingent issuance of building permits. Schneekloth seconded. Motion carried.**

7) **Report of Village Utility Commission** –The items on the report were addressed individually as follows:

- a) **Recommend Well Ordinance Amendment – Milheiser moved to approve the ordinance amendment. Barribeau seconded.** King questioned the propriety of approving the amendment without a public hearing. Milheiser reported that the commission had heard input from two affected citizens before making their recommendation. The main objector, Mr. Kohl had made a substantial investment in a well driven lawn irrigation system. However, Milheiser continued, Village Engineer Rosenbeck had put forward a strong argument for discontinuance of residential wells, (except as stated in the amendment) in order to protect the municipal water system from cross contamination. **Barribeau moved to give the floor to F. Schneider for comment. Wittmann seconded. Motion carried.** Schneider stated that the well under discussion had showed no sign of yellow, green, or orange water since this winter’s freeze up. He stated that Kohl’s well was within the same aquifer as the village and he also said that Kohl had been offered a source of irrigation well water from the golf course. Schneekloth agreed with King that although the well abandonment amendment may be in the best interest of the village, potentially affected citizens ought be given the opportunity of a formal public hearing. **Barribeau moved to table the motion until after a public hearing.**
- b) **Recommend Wellhead Protection Ordinance Amendment – Since the proposed amendment is closely related to the above issues it was included in the motion to table.**
- c) **Recommend Village buyout of the Utility portion of equipment – Milheiser moved to approve the buyout of the 1992 Ford F350 4 x 4 truck at \$5,500 and John Deere tractor at \$2,500. Wittmann seconded. Following discussion regarding the value of the equipment, the motion carried.**

8) **Report of Village Officers**

- a) **President** – Schneekloth welcomed the new coordinator, Josh Van Lieshout, and asked him to start working on inter-municipality zoning agreement issues with the Towns of Woodville and Harrison, reporting back to the board.
- b) **Clerk/Treasurer**
 - i) **Account Payable List/Finance Report for Review** – The clerk presented the account payable list and the revenue and expenditure report.

9) **Village Coordinator:** Van Lieshout reported that his first week had gone smoothly. He stated that he was looking forward to meeting with Frassetto to review issues and ordinances in the immediate future.

Laux moved to give the floor to Schneider for comment. Wittmann seconded. Motion carried. Schneider stated that he took exception to Schneekloth’s President’s Newsletter. He described it as inaccurate and misleading. He also commented on the statement that no lakefront property was left. Schneider said that he had given a ten (10) foot strip of land alongside the boat landing so that the village would have Riparian rights to the lake.

10) Village Attorney:

- a) **Report regarding David Petrie/Mustang Acres storm water drainage tile question** [December 13,1999]: Frassetto reported on the single unresolved issue pertaining to the developer agreement. A 36” storm water sewer pipe was installed by Petrie to carry storm water runoff from Mustang Acres and drain it into the detention pond. The 36” pipe was oversized at the request of the village. Petrie now is requesting 100% reimbursement for the installation of the sewer pipe. The Village Engineer and the Petrie’s engineer have agreed on the natural direction of runoff and that Petrie decided to install drainpipe rather than optional drainage ditches. The village has made an offer to pay 100% of the difference between the cost of the 36” pipe and a more standard pipe size (for this size subdivision) of 12”.

Petrie disagreed that storm water drained naturally through his property. He stated that it originally did not drain on his side of the lot line, and the drainpipe he installed is not on his property. The natural drainage pattern was evidenced, he stated, by arial maps which Petrie provided, as well as by his conversation with a member of the Calumet County Planning Department. Attorney Twohig stated that it is unfair to make Petrie pay for drainage of water that did not naturally drain off his property. He stated his understanding that the Fairway Estates developer was not paying for drainage off of his property. The clerk reported, upon Frassetto’s inquiry, that the Fairway Estates developer elected to pay \$57,000/\$2000 per acre, in storm water management fees. Twohig stated that he believed Engineer Rosenbeck was hardened in his stance regarding natural water drainage patterns and that he and his client were appealing directly to the board to make a decision in their favor. Upon questioning by Wittmann, Petrie stated that it was not his decision to install drainpipe instead of ditches.

11) Village Engineer

- a) **Review and approve 2000 road construction/reconstruction project, proposal for engineering services and special assessment report:** Wittmann questioned why reconstruction of Pigeon Road was not included in the proposal. Maxymek stated that the Pigeon Road project was still in the planning phase and was being considered by the Plan Commission. Schneekloth reported that because money borrowed for the project fell short of revised cost estimates, the Plan Commission continues to consider the needs to be resolved in the reconstruction as well as resources to be tapped for funding the project. **Wittmann moved to approve the 2000 road construction/reconstruction project, proposal for engineering services and special assessment report. Schneekloth seconded. Motion carried with abstentions by King and Wittmann.**

Frassetto verified that he was to proceed with a Preliminary Resolution for assessment purposes. He will coordinate this resolution with Rosenbeck.

- b) **Approval of Special Assessment Policy [revised March 1999]:** The clerk reported that, although amendments to the Special Assessment Policy were approved following referral to the Plan Commission for revisions, the body of the policy itself was not approved. **Schneekloth moved to approve the policy. Milheiser seconded. Motion carried.**

12) Unfinished Business from Previous Village Board Meeting

a) **Report regarding completion of contingencies required of Windswept Shores II:**

Frassetto reported speaking with former clerk Propson who stated her recollection of State Park Road as being a 60' right-of-way except for an area across from Lot 168 which she remembered as being wider. Frassetto checked his files from the period during which the old road was vacated and the new road dedicated. Those records clearly indicate that the right-of-way was 66.22' at State Park and Pigeon Road. Frassetto also stated that the clerk was working to clear up some issues regarding the requirements for pond development. This may relate to the two proposed ponds on the south side of State Park Road into which runoff drains.

Laux moved to give the floor to Schneider. Wittmann seconded. Motion carried.

Schneider stated that the village has a road ditch on his property. He has said before that he will give an easement to the village for that purpose. Otherwise the village would need to move the road and it would not meet state specifications. If he doesn't give that easement it will lock up the village road. He then stated that he was not threatening the village but was trying to reach a conclusion. Schneider said that he was willing to give a 4' wide easement on the north side of State Park Road for a pedestrian walking path and would black top the path. He would not give this easement if it were to be used as a bike path. He said there was a question as to whether such a trail must be separated from the main road. He asked if bicycles could be prohibited from using such a path if it were constructed as a continuation of the road surface.

b) **Approval of implementation plan and budgeting of Emergency Numbering signage:**

Barribeau referred to possible leeway in administrative wages line item of the approved 2000 budget for funding Emergency Numbering System expenses. The clerk stated that the line item was a total of all administrative wages, not only coordinator wages. He then decided to get additional information before moving forward.

13) Presentation of correspondence, resolutions, and related matters

- a) Request by High Cliff, LLP for progress report on storm water management project(s) impacting the Fairways at High Cliff development: Schneekloth said that by not moving to assure drainage/storm water detention, continued growth will be stymied. He suggests that the board address a letter to the developer letting him know that the issue is being addressed. Milheiser stated that citizens residing in that area objected to the proposed development due to increased runoff and additional traffic. Schneekloth stated that a village response should not commit to anything but should let the developer know in what direction the village is heading.

Pursuant to a recommendation by the Village Attorney, **Wittmann made a motion to MOVE INTO CLOSED SESSION** at the end of the meeting per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to **RETURN TO OPEN SESSION** to take further action or to adjourn the meeting. **King seconded. Motion carried.**

Schneekloth moved to return to open session at 8:17 p.m. Barribeau seconded. Motion carried.

Schneekloth moved to suspend life insurance and disability insurance benefits as stated in the personnel policy manual until such time as the coordinator can get bids and a means to budget those benefits. Laux seconded. Motion carried.

14) Adjournment: Schneekloth moved to adjourn at 8:18 p.m. Wittmann seconded. Motion carried.

Minutes recorded by:

Ellen Maxymek, Clerk

Village Board Meeting Minutes
March 13, 2000

- 1) Call to Order and Roll Call: The meeting was called to order at 6:30 p.m. by President Schneekloth. Roll was called as follows:

Present

William Barribeau
Joyce Laux
Andrew King
Lynn Milheiser
Don Schneekloth
Robert Wittmann

Absent

Carl Thomson Excused

Others Present

Steven Frassetto, Attorney
Rich Moxon, Public Works Department
Ellen Maxymek, Clerk
Joshua Van Lieshout, Coordinator

- 2) Pledge of Allegiance
- 3) **Approval of Minutes: Barribeau moved to approve the minutes of February 28, 2000. Schneekloth seconded. Motion carried.**
- 4) **Consent Agenda:** None
- 5) **Registered citizen comments on agenda items:** F. Schneider, 4888 Springhill Drive expressed criticism of the Village President and Engineer.
- 6) **Report of Park, Recreation, & Urban Tree Board**
- a) **Recommend approval in concept to contract with Fox Valley Technical School-Chilton for wellness exercise program. FVTC to manage all administrative responsibilities, expenses and rent payments to village – Wittmann moved to approve. Schneekloth seconded.** Upon questioning by Milheiser, Wittmann reported that this program would be using the Recreation Center gym. **Motion carried.**
- b) **Recommend approval of survey insert to newsletter to define villager interest in adult/teen/youth indoor/outdoor volleyball and basketball play and open gym – Wittmann moved to approve. Schneekloth seconded. Motion carried.**
- c) **Recommend approval to authorize the Village Engineers to produce topographic grading survey of the TIF Park and to prepare Specification Manual requesting bid proposals for Phase 1 development – Wittmann moved to approve. Schneekloth seconded. Motion carried.**
- d) **Recommend approval to authorize Village Engineers to produce topographic grading survey of the baseball diamond area of Legion Park and make recommendations for grading – Schneekloth moved to approve. Wittmann seconded. Motion carried.**
- 7) **Report of Village Officers**
- a) **President –** Schneekloth introduced the annual report of UW Extension and asked the clerk to make it available for inspection. He reported a citizen contact asking for “Children at Play” signs on Springhill Drive. He called attention to the need for safety measures along State Park Road. Schneekloth reported that a judge has ruled that

Developer Schneider must fill in the “crater” pond at the end of Lower Cliff Road by July 1, 2000. He stated that this will affect the drainage into the other two ponds which are part of the drainage system for Windswept Shores II subdivision. He also requested that the coordinator investigate the time limit for subdivision approval and determine whether the Windswept Shores II submission has passed that time limit.

b) Clerk/Treasurer

i) Account Payable List/Finance Report for Review: After review of the accounts payable the trustees asked that **payment of an invoice from Gene Frederickson Trucking and Excavating be held for additional documentation.**

ii) Review/Approval Bulk Special Clean Up Charges: Schneekloth moved to **approve a special bulk items fall cleanup with charges for pick-up of specialized items. Motion carried with Milheiser voting nay.**

iii) Review/Approval of Exemption from Facility Use Charge-Christ the King Vacation Bible School: Milheiser moved to **approve use of the Recreation Center without charge. Barribeau seconded. Motion carried. Schneekloth abstained.**

iv) Review/Approval of standardized General Use Fee for Remodeling/Garage Addition: Action was deferred until more information can be obtained from building inspector.

v) Review of refreshment estimates for Community Vision Forum: Clerk/Treasurer and Coordinator were instructed to select the lowest quote.

8) Village Coordinator

a) Resolved: to place “Children at Play” signs along Springhill Road into compliance – Schneekloth moved to place two “Children at Play” signs of an fluorescent green color, one 25 feet before the stop sign on State Park Road and another 25 feet past the last stop sign at Palisades Drive. Barribeau seconded. Motion carried.

b) Van Lieshout reported that he met with the public works supervisor regarding the yard waste dumpster in back of the Legion Park and found that people have been dumping unwanted articles and waste material in addition to with yard waste. Wittmann stated that he thought it should be the responsibility of the homeowner to dispose of their yard waste. The consensus was to remove the dumpster. No action was taken.

c) The coordinator distributed a flyer regarding a seminar on “Smart Growth Training” for possible attendance by the trustees.

9) Village Attorney

a) Report regarding David Petrie/Mustang Acres storm water drainage tile question [December 13,1999] – Frassetto reported speaking with Calumet County Zoning Official Caulkins who agreed with Petrie that the original storm drainage flow was to the southwest of the Petrie property. Letters from several neighbors stated they had knowledge of that flow pattern as well. The compromise position suggested by the village engineer was that the village pay 100% of the oversizing of the drainage pipe from 12” to 36” inch and the cost of the 12” pipe at 30%. Frassetto said he was not previously aware

that Petrie had negotiated a to the owners of State Park Estates for purchase of the strip of land east of Hoofbeat Lane in which the 36" drainage pipe was installed.

Frassetto advised that the matter be brought to conclusion. He suggested that the village could agree to pay for the 36" drainage pipe at 100%, and 30% of all other 12" pipe. The payments would be made to Petrie through a developer agreement similar to those entered into by State Park Estates and Sherwood Forest Golf Village, and funded as a TIF project by the tax incremental increase.

Wittmann asked who had decided to put the pipe in. Frassetto stated that the Village had not required it but that in pre construction discussions both parties agreed the pipe system was more attractive than a ditch and swale system. Wittmann then asked why Petrie had paid for the pipe in the first place, since the developer had previously stated that it was not on his property but on Fairway Estates and State Park Estates property. Petrie stated that he had foolishly had the pipe installed because the engineers told him that he was required to move storm water running off his property. Petrie said there would be no argument if runoff had originally run through his property, however, he indicated that runoff had been made to run through his property.

King stated that this expense should not be paid by the taxpayer since it was the developers who benefited by the drainage system.

Wittmann asked if payment for the pipe could come from TIF moneys. Frassetto responded that he believed there was enough TIF money earmarked for storm water management to pay the cost. After Frassetto restated his suggestion as stated above, Petrie said he would need to confer with his counsel before agreeing. Petrie then asked that the village pay interest on the expense he has paid. Frassetto stated that it would be up to the discretion of the Village Board. He suggested that Petrie keep in mind, however, that in any event a drainage system in addition to detention ponds was required by ordinance of all developers. Frassetto was instructed to bring a written agreement to the next meeting. Schneekloth asked that the village engineer be present and stated that he did not want to undermine the engineer's expert opinion.

- b) **Update regarding disposition of Hawkinson litigation** – According to Frassetto the judge ruled Hawkinson may keep his Mustang collector car and that he will be limited to a total of 4 class 1 vehicles stored on a durable dust free surface. All other vehicles and all parts must be removed. In addition he will be allowed to retain one class 2 vehicle, describe as a snowmobile, or four-wheeler, or a go-cart. Hawkinson has until May 6, 2000 to come into compliance.
- c) **Recommend motion to MOVE INTO CLOSED SESSION at the end of the meeting** per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation; or per State Statute 19.85(1)(g) 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; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. **Recommended.**

10) **Village Engineer** – No report

11) Unfinished Business from Previous Village Board Meeting

- a) Report regarding completion of contingencies required of Windswept Shores II [pending attorney information] – With the information proffered by Schneekloth that the “crater pond” was to be filled in, Frassetto reported that this will necessarily require changes to the developer’s drainage plan. Frassetto will verify the date at which the preliminary plat on Windswept Shores II was approved with contingencies and will report back to the coordinator as to whether the time frame for final submission and approval has passed.
- b) Approval of implementation plan and budgeting of Emergency Numbering signage – Barribeau suggested that the matter be held to the next meeting when Mr. Thomson is available.
- Status of amendments to the Well Abandonment and Well Head Protection Ordinances – Attorney Frassetto reported that the village engineer had conversed with DNR officials regarding the restrictive amendments which were proposed to ensure the safety of the village water supply. There was a reported court case in the state in which a similarly restrictive ordinance was challenged. The court in that case purportedly decided that the ordinance was unconstitutional. Frassetto is researching that case but has not as yet been able to locate it in the records. Based on this new information Rosenbeck asked that a public hearing be postponed until the Utility Commission had a chance to address new information. Schneekloth inquired as to the possibility of restricting the use of certain kinds of fertilizers that might tend to pollute the water supply. Frassetto responded that this would again be a question of public good versus personal freedom.

12) Presentation of correspondence, resolutions, and related matters

- a) **Schneekloth resolved to send the matter of State Park Road safety concerns to the Planning Commission for consideration.**
- b) Schneekloth brought forward the issue of vacation hours as recommended by the Utility Commission, which are different from the vacation policy set by the village trustees. He stated that apparently there is case law that gives a Utility Commission the right to set such policies independent of the trustees. He also stated that the trustees had the right to disband the Utility Commission and make it a committee of the board with elected officials seated on the committee. Frassetto commented that the village had previously run it’s utility by committee and had decided to set up and appoint a non-partisan commission. Schneekloth suggested that the question be raised at the organizational meeting after the upcoming elections

Pursuant to the above recommendation Schneekloth made a motion at 7:55 p.m. to move into closed session. Laux seconded. Motion carried.

At 8:25 p.m. Schneekloth moved to return to open session. Barribeau seconded. Motion carried.

Schneekloth made a motion to remove the suspension of the offering of disability insurance as provided in the personnel policy. He further moved to purchase long-term disability insurance as quoted by Principal Insurance Company through Don Jabas & Associates. Wittmann seconded. Motion carried. Wittmann moved to purchase group life insurance for eligible employees from the same source. Laux second. Motion carried with Schneekloth voting nay.

13) Adjournment: Schneekloth moved to adjourn at 8:27 p.m. Wittmann seconded. Motion carried.

Minutes submitted by:

Ellen Maxymek, Clerk

Village Board Meeting Minutes March 27, 2000

- 1) Call to Order and Roll Call – The meeting was called to order at 6:30 p.m. Roll was called as follows:

Present

William Barribeau
Joyce Laux
Andrew King
Lynn Milheiser
Don Schneekloth
Carl Thomson
Robert Wittmann

Others Present

Gary Rosenbeck, Village Engineer
Rich Moxon, Public Works Department
Ellen Maxymek, Clerk
Joshua Van Lieshout, Coordinator

- 2) Pledge of Allegiance

- 3) **Approval of Minutes** – No minutes were available.

- 4) **PUBLIC HEARING:** An Amendment to the Subdivision and Zoning Ordinances, Supplemental Definitions regarding Aesthetic Ponds; and Zoning Ordinance, Section 3-1-C-1b 8, Permitted Uses by Right and Section 4-1-E, Accessory Uses regarding Aesthetic Ponds.

- Nick Grode asked why a public meeting was being held. Schneekloth explained that the board had acted to approve these amendments almost a year ago but a public hearing was not held at that time as required by the ordinances. The amending language is simply giving more definition to the aesthetic pond sections of the ordinances. Grode asked if he could clean out previously existing ponds. Schneekloth stated that previously existing ponds would be grandfathered.
- Frank Schneider stated that the public hearing was out of order because there was no mention of the significant number of “safety ponds” put in the High Cliff area to discourage night prowler activity.

After three calls for public comment the Schneekloth declared the hearing closed.

- 5) **Approve amendments to the Subdivision Ordinance and the Zoning Ordinance – King moved to approve the amendment as recommended by the Plan Commission. Schneekloth seconded. Motion carried with Milheiser voting nay and Thomson abstaining.**

- 6) **Registered citizen comments on agenda items**

- Joan Petrie, N7986 Stommel Road, regarding Certificate of Dedication on Mustang Acres
- Frank Schneider, W4888 Springhill Road, regarding all agenda items

- 7) **Consent Agenda**

- a) **Approve the appointment of Marilyn Knorr as Election Inspector – Barribeau moved to approve. Wittmann seconded. Motion carried.**

8) Report of Plan Commission

- a) **Requested Village Engineer to map proposed off road trail – Schneekloth moves to approve. King seconded.** Milheiser asked if this is a budgeted item. The Coordinator responded that mapping is a budgeted item. Schneekloth reported that the Plan Commission now has a fairly accurate understanding, as reported by the Bike Trail Committee members, Bill Barribeau and Vickie Milde, where the Sherwood Trail will be placed. The objective is to place the planned trail on the Official Village Map. Laux asked for a figure as to the cost of mapping. Rosenbeck responded that it would take approximately two hours of engineering time. **The motion carried.**
- b) **Declined to recommend for approval of CSM presented by Frank Schneider to eliminate the South lot line of Lot 175 and the North lot line of Lot 167 – Schneekloth moved to uphold the Plan Commission report. No second was forthcoming. Milheiser moved to approve the CSM. Wittmann seconded.** Wittmann stated that this kind of action had been taken in the past when an owner wanted to avoid code restrictions by buying two lots and removing the lot line.

After being acknowledged by Schneekloth, Rosenbeck reported that he had spoken with the Village Attorney regarding the CSM as presented. Frassetto cautioned that if the trustees approve the CSM, which maps a pond on lot 167, they may be construed to be approving the pond itself which has not been approved or permitted.

Schneekloth stated Schneider told the Plan Commission that he had a buyer for both lots who wanted the lot line removed so he could position a home according to setbacks for one lot. Schneekloth commented that the owners of lots 174 and 166 have subdivision covenants, which restrict the placement of other homes. He said the owners of those lots should be considered in the board's decision. Schneider interjected that Schneekloth was out of order because he was involved in a lawsuit over the pond and that neither Schneekloth nor Rosenbeck should be voting on this issue because their "hands are dirty". In response Schneekloth stated that a court action was ongoing, that a judgement was rendered, and that the board need be careful about involving itself. He distributed a legal document regarding the court judgement. Schneider stated that Schneekloth was misleading the board, and violating their trust. He reiterated that Schneekloth had a conflict of interest.

Barribeau moved to recognize Kate Zietlow. The motion was seconded by Laux and carried. Zietlow objected to Schneekloth distributing documents regarding private litigation in a public forum. She also asked who else other than Schneekloth was in a law suit regarding the pond. Schneekloth replied that he and his wife were plaintiffs.

Schneekloth requested that the clerk restate the opinion of the Village Attorney. The clerk reported the attorney's recommendation that the board uphold the action taken by the Plan Commission. He also suggested, she said, that Schneider could if he chose put a CSM without the pond before the board for approval.

In response to a question by Wittmann, Rosenbeck reported that the while the usual instrument [in the village] to remove a lot line was by CSM, another method was by presenting a Meets and Bounds legal description.

King stated that if the pond is removed from the CSM and the neighbors were noticed of the removal of the lot line in advance he would find no objection to approval. **Milheiser rescinded her motion and tabled the discussion until the next board meeting when a CSM without the pond can be brought in.**

- c) **Recommended posting “Dangerous Curve” and “Speed Limit” signs at both ends of State Park Road. Tabled discussion of other matters regarding parking limitations, posting of signs and other public safety measures relating to State Park Road – Laux moved to approve the recommendation. Thomson seconded.** Milheiser stated she thought it foolish that the board or the Plan Commission would considering major changes to an approved and installed road based on one letter from a citizen who urged straightening the road as well as other measures. She further stated that the recent death of a young woman which was the subject of that letter was reportedly due to exposure on the frozen lake, not as the result of a car accident or the roadway. **The motion carried.**

- 9) **Report of Utility Commission** – The Utility Commission Report was for information only. **No action was taken.**

10) Report of Village Officers

- a) **President** – Schneekloth thanked those who participated in the recent Planning Forum. He reported requesting the coordinator to investigate the possibility of expanding the Comprehensive Plan to meet recent state requirements for such plans.

b) Clerk/Treasurer

- i) **Accounts Payable/Finance Report for Review** – The reports were reviewed.

- ii) **Review/approve payment of Gene Frederickson Trucking & Excavating Invoice**
–The clerk reported as follows:

- (1) A motion was made and approved in July, 1999 to go forward with a project to remove milled asphalt from State Park Road and to replace it as a trail around the “Butterfly Ponds” located on High Cliff State Park property.
- (2) Joe Hennlich from the State Park was told by a board member of the approval of the project and thus contracted with the excavating and trucking firm to excavate the trail base.
- (3) The trail is the end of the planned Sherwood Off-Road Bike Trail, not part of a trail system undertaken by the State Park. However, the Friends of High Cliff State Park are writing a grant for state funding in the amount of \$1600 with the village as the beneficiary of the grant.

Barribeau moved to approve the payment. Thomson seconded. Thomson stated that the trail was available to all residents without having to pay a park fee and that it is an excellent addition to the Village. He stated that the park agreed to cooperate at the request of the Village Board. Schneekloth asked whether there would be additional expense to the village after this. Wittmann stated that his firm will move the asphalt to the site at no charge. The only remaining expense will be the grading. King verified that the contractor did the work and that payment was owed. **Motion carried.**

- iii) **Approve amendment to Budget 2000 increasing Comprehensive Planning from \$7,500 to \$17,500** – The clerk reported that \$7,500 was budgeted and levied in 1999. She recommended an amendment to the 2000 budget to add 1999 fund balance to the \$7,500 budgeted for 2000 and to add \$2,500 for miscellaneous expenditures associated with the Community Forum. Laux asked when a preliminary report of 1999 year end would be ready so that the board could make informed amendments, however, that information was not available. **No motion was forthcoming.**
- iv) **Review/approve payment request by Jerry Maynard for hours worked as Weed Commissioner – Barribeau moved to approve. Second by Milheiser. Motion carried.**

11) Village Coordinator

- a) **Recommend approval of amendment Ordinance 49B adding stop signs at intersections in State Park Estates II, Fairway Estates, and Mustang Acres** – Schneekloth moved to approve the amendment. Wittmann seconded. Motion carried.
- b) **Report regarding time period required for submission of final plat** – Van Lieshout reported that the preliminary plat of Windswept Shores II was submitted in July of 1998. Since the mandatory time limit for submission of the final plat is two year, about four months time remains.
- c) **Report regarding request for increase in traffic control** – Van Lieshout reported that the Cal County Sheriff Department is stretched for budgeted patrol hours. They are currently patrolling as much as budget permits. Lt. Rusch sent a contract for purchase of patrol services.
- d) **Update regarding yard waste disposal** – The coordinator reported that based on the board's consensus at the prior meeting he announced in the newsletter that the yard waste dumpster was being removed and replaced by a monthly curbside pickup. With the savings gained by the recent change in contractors the cost for the year for all refuse and recycling expense is projected to be \$450 over budget. If the board decides that it is not in the best interest of the village to remove the dumpster, he suggested that it be moved from the rodeo grounds, fenced, and placed on a impermeable surface. He also suggested setting up dumping hours that could be more readily monitored.

Thomson reported that he had heard from some neighbors that they appreciated the ability to use the dumpster. Van Lieshout explained that the dumpster was being used for objectionable materials. Milheiser objected to the cost of curbside pickup either by individual billing or through taxes. Barribeau pointed out that many persons at the Planning Forum expressed the opinion that they wanted to keep the dumpster. Van Lieshout will check with Waste Management again to determine the requirements regarding disposal of bulk items such as refrigerators with/without door removed and articles containing freon. **The board decided by consensus to retain the dumpster.**

12) Village Attorney

- a) **Report regarding David Petrie/Mustang Acres storm water drainage tile question [December 13,1999]** - The Village attorney was unable to attend the meeting. Rosenbeck was present to report regarding the issues. He summarized his opinion, that whatever the previous direction of storm water runoff the drainage pipe running along the east border

of the subdivision was the system built to drain the Mustang Acre subdivision. The village has agreed through the developer's agreement to pay 30% of all the drainage pipe expense and in addition 100% of the cost of over sizing the pipe from 12" to 36". King questioned on whose property the pipe lay. Rosenbeck reported that except for the southernmost section coming from Fairway Estates the pipe was on Mustang Acres property. When questioned by Wittmann as to who made the decision to install pipe rather than ditches for drainage, Rosenbeck could not recall. Wittmann asked whether the subdivision to the east should be bearing some of the expense Rosenbeck stated that indirectly it was since that developer was paying \$2,000 per acre in lieu of installing a drainage system. The village will use those fees to pay for the over sizing to the 36" pipe that will convey runoff from both subdivisions. The village's offer is in the hands of the Petrie's attorney.

Mrs. Petrie requested a signature on the final plat so that it can be recorded and lots can be sold. The coordinator explained that the final plat was approved months previously but was not brought for signatures. He explained that the attorney reported a requirement for signing and recording the final plat within a month of the final board approval. He therefore advised that the board re-approve to accommodate the requirement. Rosenbeck verified that the culmination of the developer's agreement had no bearing on the signing of the final plat. **Barribeau moved to approve. Thomson seconded. Motion carried.**

13) Village Engineer

- a) **Report regarding status Well Head Protection/Well Abandonment Ordinances –** Rosenbeck reported that the proposed amendment to the Well Head Protection Ordinance had been dropped. The Well Abandonment Ordinance will likely come back in a somewhat different format after more consideration by the Utility Commission.

14) Unfinished Business from Previous Village Board Meeting

- a) **Report regarding completion of contingencies required of Windswept Shores II [pending attorney information] –** No new information.
- b) **Review/Approve standardized General Use Fee for Remodeling/Garage Addition –** The clerk summarized the administrative need for a standardized fee for inspections as per state statutes. **Wittmann moved to approve. Milheiser seconded. Thomson asked if action was a pressing need and then moved to table the discussion. Schneekloth seconded. Thomson withdrew his motion to table the discussion. The original motion carried after a voice vote with Barribeau, King, Milheiser, Thomson, and Wittmann voting aye. Laux and Schneekloth voted nay.**

15) Presentation of correspondence, resolutions, and related matters

- a) **East Central Wisconsin Regional Planning Commission correspondence re. Waverly Sanitary District Sanitary Sewer Project –** Rosenbeck stated that he believed it appropriate to respond to this correspondence. The board agreed that the Utility Commission should draft a response.
 - Thomson asked about progress on the water tower construction. Rosenbeck responded that the footings were in and the project was well under way.

**16) Adjournment – Schneekloth moved to adjourn at 8:25 p.m. Barribeau seconded.
Motion carried.**

Minutes submitted by,

Ellen Maxymek, Clerk

Village Board Meeting Minutes

April 10, 2000

- 1) **Call to Order and Roll Call:** The meeting was called to order at 6:33 p.m. and roll was called as follows:

Present

William Barribeau
Joyce Laux
Andrew King
Lynn Milheiser
Carl Thomson
Donald Schneekloth
Robert Wittmann

Others Present

Steven Frassetto, Village Attorney
Ellen Maxymek, Clerk
Rich Moxon, Public Works
Gary Rosenbeck, Village Engineer
Josh Van Lieshout

- 2) **Pledge of Allegiance**
- 3) **Approval of Minutes:** Barribeau moved to approve the minutes of March 13, 2000 and March 27, 2000. Laux seconded the motion. Wittmann asked for clarification regarding the minutes of March 27, 2000 Agenda Item 14)b: The clerk summarized the administrative need for a standardized fee for inspections as per state statutes. Wittmann moved to approve. Milheiser seconded. Thomson asked if action was a pressing need and then moved to table the discussion. Schneekloth seconded. Thomson withdrew his motion. The original motion carried after a voice vote with Barribeau, King, Milheiser, Thomson, and Wittmann voting aye. Laux and Schneekloth voted nay. [Correction to minutes: Thomson withdrew his motion to table the discussion.]

Motion to approve the minutes carried.

- 4) **Registered citizen comments on agenda items**

- Frank Schneider, W4888 Springhill Rd., All agenda items
- David & Joan Petrie, N7986 Stommel Rd., Mustang Acres, Agenda item 6
- George Twohig, Attorney for Petrie, Mustang Acres, Agenda item 6
- Ron Hawkinson, N303 Military Rd., Hawkinson said he wanted to put to rest the matter under litigation. He asked if it is possible to get a variance the zoning ordinance regarding the number of vehicles being stored on his property. He needs to know within 10 days if he can apply for a variance. Schneekloth replied that the village would consult with its attorney and contact him.

- 5) **Consent Agenda**

- a) **Approval of Licenses:** Milheiser moved to approve the issuance of an Operators License to Ellen M. Schuh. Wittmann seconded. Motion carried.
- b) **Review of Accounts Payables** – Reviewed without comment
- c) **Review of Finance Report** – None presented

- 6) **Recommend motion to MOVE INTO CLOSED SESSION** per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO

OPEN SESSION to take further action or to adjourn the meeting: **Schneekloth made a motion to move into closed session at 6:43 p.m. Seconded by Laux. Motion carried.**

Schneekloth moved to return to open session at 7:35 p.m. Milheiser seconded. Motion carried.

7) Report of Village Officers

- a) President
- b) Clerk/Treasurer
 - i) **Recommend scheduling Annual Organizational Meeting on April 24, 2000 [Rules of the Village Board, 1)e]** – Barribeau reported that he would be unavailable for the meeting. He requested that he receive a meeting agenda and documentation by April 18.
 - ii) **Recommend action regarding request by Best Advantage Credit Union to bill reimbursable expenses as a Special Charge on 2000/2001 tax bill – Schneekloth moved to send billing statement asking for payment in a timely fashion. King seconded. Motion carried.**
 - iii) **Assessor communication regarding tentative schedule for Open Book/Board of Review – Schneekloth moved to publish and post notices by statutorily required date and to have Board of Review convene immediately before a regularly scheduled Village Board meeting and adjourn to reconvene at a time when the tax roll is available. Laux seconded. Motion carried.**

8) Village Coordinator

- a) Update regarding extraterritorial zoning – Van Lieshout reported that he would be in contact with the Towns of Harrison and Woodville in the next 2 weeks to establish times for convening the Extraterritorial Zoning Committee.
- b) Update regarding comprehensive planning – Van Lieshout reported that a proposal was received by Vandewalle & Associates which would bring the present Comprehensive Plan undertaking into compliance with recent “Smart Growth” Comprehensive Plan legislation. Vandewalle has agreed to defer the additional cost to the 2001 budget period. The coordinator reported that compliance is required by 2010, and that funding will be available through state grants. Van Lieshout suggested that the board proceed to complete the expanded plan by next year. King interjected that the majority of the citizens at the recent Community Forum were looking for a controlled and orderly plan for growth. He stated that the planning should be done as soon as possible. Thomson concurred, saying that in the long run we may save more by developing a full plan now. Van Lieshout will contact Vandewalle for a contract for the additional services and will find definitive information regarding funding grants.
- c) Update regarding yard waste disposal site – The coordinator reported options for managing the disposal site:
 - i) The site to stay in the present location and add signage stating the rules for dumping. This is the least costly approach on the surface but requires too

many man hours to clean up the large amount of yard waste that is dumped outside of the dumpster.

- ii) Move the dumpster closer to the garage near the sand/salt containment area. Public works personnel could monitor the area. There is some negative visual impact to this site. Some signage would be required at this site as well.
- iii) Fencing the dumpster at either location would cost approximately \$1600 and necessitate establishing dumping hours and man-hours to open, close, and monitor the fenced site.
- iv) Create an ordinance governing the yard waste handling. This would cost administrative cost/attorney fees and may be ignored by those currently offending.

Laux suggested that the dumpster be moved and signage be added stating the rules, including that the service is for village residents only. Thomson opined that signs will not be a deterrent to those offending. The consensus was voiced by Schneekloth that the dumpster should be moved to the location closer to the garage. Signs stating the new location should be placed at the old site. Effectiveness of the new location should be examined in a month or two and be reported to the trustees.

9) Village Attorney

- a) Report regarding mapping of Official Village Map – Frassetto reported meeting with the Town of Harrison attorney, John Claypool. They agreed that the village is able to map such facilities as detention basins but that mapping alone of such projects outside of the village limits is not an enforcement tool. Mapping in extraterritorial areas simply puts those who might be interested in annexing on notice that the municipality has a specific use planned for such land. Enforcement can only occur upon development of an extraterritorial zoning agreement arrived at by a committee established for the purpose of setting land use standards in areas of mutual interest. Barribeau and Schneekloth differed in their opinions as to whether the Town of Harrison would be offended by the mapping of the detention basin and whether they would view it as encroachment. The coordinator was instructed to get clarification about mapping from the village's planning consulting and/or by talking with Town Chair Blackmer.

Frassetto stated that the Town of Harrison is, according to Attorney Claypool, very interested in establishing a boundary agreement with the village.

- b) **Preliminary Resolution regarding 2000 street projects/special assessments** – Frassetto presented the resolution. Engineer Rosenbeck stated that it might be wise to add Harbor Court, a very short cul-de-sac off of an unpaved road. Wittmann stated that the residents on the court expect that it will be paved. Mike Krueger asked if there is a possibility that Questa Court will be paved this year. Wittmann responded that this street was not included in the current capital project budget. Rosenbeck reported a precedent in which an unbudgeted road was paved because all the homeowners agreed to waive special assessment and pay the cost up front. The clerk was instructed to send Questa Court owners a letter requesting their agreement to waive special assessment.

Milheiser asked if a resolution needed to be read twice before it can be voted upon. Laux, reading from the Rules of the Board, reported that a resolution appropriating money could be granted immediate consideration if a $\frac{3}{4}$ vote were cast in favor of such consideration. **Schneekloth moved to vote on immediate consideration of the resolution. King seconded. The motion for immediate consideration carried without objection. Schneekloth moved to approve the Preliminary Resolution after adding Harbor Court and Questa Court. King seconded.** Krueger asked if there is a dollar amount that can be quoted to Questa Court owner considering waiving special assessment. Rosenbeck stated that the resolution directs the village engineers to prepare a report estimating the entire cost of the proposed improvements and cost assessable to each property owner. **A roll call vote was called for with the following votes cast: Barribeau, Laux, King, Milheiser, Thomson, Schneekloth voting aye. Wittmann abstained. The motion carried.**

Ron Hawkinson was instructed by Schneekloth to make application to request a variance. Hawkinson requested that a decision to grant a variance be granted immediately. Van Lieshout stated that such application would be put before the Board of Appeals. Hawkinson stated that the board had decided that the removal of vehicles and parts from his property was to be accomplished by April 6, 2000. Barribeau, quoting the minutes, reported that the court ordered the removal by May 6, 2000. Frassetto clarified that Mr. Hawkinson's attorney and Mr. Dozer, the attorney for the village agreed upon the removal date.

10) Village Engineer

- a) Review/approval of correspondence pertaining to the placement of signal crossings at Pigeon Road and Wisconsin Central Railway
 - i) Wisconsin Department of Transportation
 - ii) Office of Commissioner or Railroads
- b) Review/approval of correspondence directed to DNR regarding support of funding search to finance Pigeon Road reconstruction
Rosenbeck reported there were deadline dates to declare intentions to apply for grants necessary to fund the Pigeon Road project. **Wittmann moved to approve sending the above letters of intent. King seconded. Motion carried.**

11) Unfinished Business from Previous Village Board Meeting

- a) **Review/approval of CSM presented by Frank Schneider to eliminate the South lot line of Lot 175 and the North lot line of Lot 167** –Wittmann asked Frassetto if his previous concerns were eliminated by presentation of the CSM without a pond. Frassetto replied that he saw no reason in the zoning code for declining to approve the CSM. Schneekloth stated his belief that adjoining property owners should have a right to participate in the discussion. Wittmann stated that approval of the CSM has historically been the process for removing a lot line. Milheiser stated that public notice/hearing has not been a requirement for approval in the past. She also stated that Schneider was told at the prior meeting that if he brought a CSM without a pond before the board there would be no reason not to approve. **Milheiser moved to approve the CSM. Second by Wittmann. King requested a roll call vote. Barribeau, Laux, Milheiser, Thomson, Wittmann voted aye. King and Schneekloth voted nay. The motion**

carried. Milheiser asked that it be noted that Schneekloth should have abstained from voting because he had a direct conflict. Schneekloth replied that he did not stand to gain financially from the elimination of the lot line.

- b) **Report regarding completion of contingencies required of Windswept Shores II [pending attorney information]** – Frassetto had nothing new to add.
- c) **Approval of implementation plan and budgeting of Emergency Numbering signage – Schneekloth moved to give the floor to Tony Kohl. Thomson seconded. Motion carried.** Kohl identified himself as being affiliated with the First Responders. He stated that he was contacted by Barb Jack and was asked to address the merits of self adhesive numbers being used to implement the Emergency Numbering Ordinance. He reported that he had contacted a company [which manufactured self-adhesive numbers]. They reported to him that these numbers would maintain their appearance for 2 to 3 years. Kohl stated that he tested for adherence and found that the numbers did not adhere to textured plastic mailboxes. They adhered best to smooth, flat surfaces and inadequately to textured, curved surfaces. They adhered best when applied in warm weather. Some mailboxes have space for a 2” number and when 3” numbers are applied do not have good adherence. If the numbers do come off there is a good chance that mailbox surface will be discolored. A second layer of numbers should not be applied over a first. Schneekloth asked whether leaking or breakage would occur when metal backed signs were anchored to a mailbox. Kohl responded in the negative. Barribeau asked what Kohl would recommend for the signage. He answered that his opinion would be biased because his wife is a First Responder. **No action was taken.**
- d) **Recommend approval of petition by Christ the King Church for direct annexation of Lot 1, Section 32 STH 55/114, Town of Harrison – Milheiser moved to adopt the annexation ordinance. Laux seconded. Motion carried.**

12) **Presentation of correspondence, resolutions, and related matters**

- Moxon asked for clarification regarding the placement of “Children at Play” signs. Schneekloth stated that the intent was to get the signs posted 25’ approximate to the congested area on Springhill Road. One sign should be placed just passed the end of the first green of the golf course near the stop sign at Springhill and State Park Roads. The second sign should be placed up the hill, near the first stop sign on Springhill on the opposite side of the road.
- Moxon suggested a “No Truck” sign requested by the board at Palisades Trail and Springhill would be better placed at Cliffwood and Palisades Trail. He also asked for clarification of the placement of the dangerous curve sign on State Park Road. He was told the signs should be placed at both ends of the curvy section adjacent to the boat landing and at the curve at the village limit.
- Laux asked whom to contact to get a yellow flashing light installed where Hwy. 114 intersect with Military Road going north. She stated that that is a very dangerous intersection. Moxon said that the county maintains the road and that the island is

wired for electricity already. Van Lieshout will contact the county regarding the matter.

- Rosenbeck stated that he found the letter from Attorney Bendix regarding his vote on the Plan Commission to be offensive. When asked, Frassetto answered that the board could authorize that he respond to the letter. **No action was forthcoming.**
- Hawkinson again asked the board to respond to his issue. Schneekloth stated that the issue was not on the agenda and asked for a motion from the board to continue. **No motion came forward.**

13) Adjournment – Schneekloth moved to adjourn at 9:00 p.m. Milheiser seconded. Motion carried.

Transcribed and submitted by:

Ellen Maxymek, Clerk

Village Board Organizational Meeting Minutes

April 24, 2000 Time: 6:30 p.m.

Village of Sherwood Community Center

- 1) **Call to Order and Roll Call:** The meeting was called to order at 6:33 p.m. and roll was called as follows:

Present

William Barribeau
Joseph Beach
Joyce Laux
Andrew King
Lynn Milheiser
Carl Thomson
Donald Schneekloth

Others Present

Steven Frassetto, Village Attorney
Ellen Maxymek, Clerk
Rich Moxon, Public Works
Josh Van Lieshout

- 2) **Pledge of Allegiance**
- 3) **Approval of Minutes:** Barribeau moved to approve the minutes of the April 10, 2000. Schneekloth seconded. Motion carried.
- 4) **Consent Agenda**
- a) Review Accounts Payable – The list of accounts payable were reviewed without comment.
- b) Review Financial Reports – The Cash in Bank report and the Revenue and Expenditure report were presented.
- 5) **Registered citizen comments on agenda items** – Frank Schneider, 4888 Springhill Road, registered to comment on all agenda items.
- 6) **Review/Approval of Rules of the Village Board** – Schneekloth moved to approve the Rules of the Board. Barribeau seconded.

Barribeau moved to change rule 5) b):

All proposed resolutions and ordinances shall be delivered to the Village Clerk seven (7) days prior to the scheduled Board meeting at which the measure is to be introduced. If for good cause this pre-filing is impossible or impractical, the Board may waive this requirement. The Village Clerk shall, at least four (4) days prior to each meeting, present to each member written minutes of the previous Village Board meeting, and an itemized agenda of the matters to be considered by the board.

Schneekloth seconded. Motion carried.

Schneekloth moved to amend rule 1) b):

The regular meeting of the Village Board shall be held on the second Monday of every month.

After discussion, Schneekloth moved to amend the motion to review the change to one meeting per month on the second Monday after a three-month trial period. Beach seconded the amendment. The amendment carried with Milheiser voting nay.

Barribeau moved to approve the Rules of the Board as amended. Schneekloth seconded. Motion carried on a roll call vote. Voting aye: Barribeau, Beach, Laux, King, Thomson, Schneekloth. Voting nay: Milheiser

7) **Consideration/Approval of Repeal of Village Utility Ordinance** – Following a question by Schneekloth, Frassetto reported that there is no statutory provision for a separate elected body such as an elected Utility Board. He also stated that eleven years ago a non-partisan Utility Commission functioned. Later a Utility Committee was established with Trustees sitting on the committee. Later still a non-partisan Utility Commission was again created by ordinance. Schneekloth stated his concern for citizens who complain about the high rate of utilities. Milheiser stated that the PSC sets utility rates not the commission. **Schneekloth moved to table the discussion. Milheiser seconded. Motion carried.**

8) **Election of Board Vice President** – Schneekloth moved to nominate Laux to the position of Vice President. Barribeau seconded. **Motion carried unanimously.**

9) **Village Board Appointments**

- a) Village Assessor – Associated Appraisal Inc.
- b) Village Clerk/Treasurer – Ellen Maxymek
- c) Village Engineer – McMahan & Associates,
- d) Village Attorney – McCarty, Curry, Wydeven, Peeters & Haak, LLP
- e) Village Zoning Code Administrator – Joshua Van Lieshout
- f) Village Weed Commissioner – Gerald Maynard

Schneekloth moved to reappoint the above. Beach seconded. Motion carried.

10) **Consideration/Appointments by Village President**

- a) Plan Commission/Citizen Member – Schneekloth appointed Joe Hennlich.
- b) Plan Commission/PRUT Board Chair – Schneekloth appointed the chair to be elected by the PRUT Board at their meeting of May 1, 2000.
- c) Plan Commission/Village Engineer – Schneekloth appointed Gary Rosenbeck.
- d) Board of Appeals/Citizen Member (2) – Schneekloth appointed Tom Jack to fill the remaining one (1) year of the term vacated by the death of Julius Schmidt. He appointed Bob Dhein to a three-year term.
- e) Extraterritorial Zoning Committee/Citizen Member of Plan Commission (3) – Schneekloth suggested making these appointments after the meeting of the Plan Commission.

Schneekloth moved to approve the above listed appointments. Laux seconded. Motion carried.

11) **Consideration/Elections by Village Board**

- a) Plan Commission/Trustee Member – Barribeau and Beach each put his name into nomination. Schneekloth stated that a 2/3 majority vote is called for in the Plan Commission Ordinance. **Milheiser moved to accept Barribeau. Laux seconded. Four aye votes were voiced. Three nay votes were heard. A 2/3 majority was not accomplished. Schneekloth moved to accept Beach. King seconded. Four aye votes and three nay votes were cast. A 2/3 majority was not accomplished.**

Schneekloth suggested that the position be left unfilled. King stated his preference for a citizen member in lieu of a trustee member on the Plan Commission. Frassetto indicated that in either case an amendment to the ordinance would be required. He further pointed out that two readings of an amendment to the ordinance are required before the amending can be voted upon. **Schneekloth then moved to bring an amendment to the next meeting for vote. He asked that this amendment accommodate an additional citizen member rather than the trustee member on the Plan Commission. Seconded by King. Motion carried.**

b) PRUT Board/Trustee Member – **Schneekloth moved to elect Carl Thomson. Milheiser seconded. Motion carried.**

c) PRUT Board/Plan Commission Member – **Schneekloth moved to elect Joe Hennlich. King seconded. Motion carried.**

d) PRUT Board/Citizen Member – **Schneekloth moved to elect Patricia Sevela. Laux seconded. Motion carried.**

12) Designations by Village President

a) Board of Appeals Chair – **Schneekloth moved to recommend the designation of David Clifton. Milheiser seconded. Motion carried.**

b) Board of Appeals Alternates #1, #2 **Schneekloth moved to recommend designation of Gary Flak as 1st alternate and John Broeren as 2nd alternate. In the event that Broeren is unable to serve in that capacity, Schneekloth recommended Randy Michels. Laux seconded. Motion carried.**

13) **Report of Plan Commission** – The report was informational only. No action was required.

14) Report of Utility Commission

a) Recommend increase in Well Permit fee from \$20 to \$50 to cover the cost of the water test (\$20), Utility employee's time (\$20) and administrative costs (\$10): Van Lieshout stated his belief that the increase was justified. **Schneekloth moved to approve the recommendation. Milheiser seconded. Motion carried.**

b) Recommend for approval revised Well Abandonment Ordinance Amendment: **Laux moved to approve the amendment. Milheiser seconded. Motion carried.**

- Dan Sekorsky, N417 Harrison Street, owner of Wisco Wash, asked to be recognized. **Schneekloth moved to give Sekorsky the floor. Barribeau seconded. Motion carried.** He changed his reverse osmosis water filtering system, as he does once per month. The filter, which Sekorsky brought with him, was black in color and he expressed concern over the quality of the village water system. In response to his question, Milheiser reported that the discoloration was a result of the sulfur content of the water. Schneekloth suggested that Van Lieshout put Sekorsky in contact with the Utility Technician so that he can have an explanation of the discoloration and sediment. Van Lieshout stated that he would have the filter tested and inform Sekorsky of the results.

15) Report of Village Officers

a) **President** – Schneekloth welcomed the new and returning members of the Board.

b) **Clerk/Treasurer**

- i) **Review/Approve restriction of unspent proceeds of 1997A GO Note** – The Clerk/Treasurer reported that unspent proceeds from the \$1,175,000 General Obligation Note, Series 1997A are now subject to arbitrage restrictions. These proceeds must be restricted so that the yield is no more than the yield on the Notes. It is the recommendation of the Village’s financial consultants that these funds be invested in State and Local Government Services securities (“SLGS”). **Schneekloth made a motion to invest the unspent proceeds in a “SLGS” account at the most cost/value effective financial institution. Laux seconded.** The clerk reported that bank fees are likely to be approximately \$800 per year to manage these securities. One-time fees to Ehlers & Associates, if needed, are estimated to cost a maximum of \$500 or \$75 per hour. **Motion carried.**

16) Village Coordinator

- a) **Correspondence to Tns. Of Harrison and Woodville Re. extraterritorial zoning** – Van Lieshout reported that he has received no response to communication with either town.
- b) **Comprehensive plan: retroactive funding availability through “Smart Growth Dividends”** – Van Lieshout reported that while retroactive funding is available it is generally provided to communities with zoning restrictions which limit the size of lots to ¼ acre. Unless the village changes its zoning code to provide for greater lot density, it is unlikely that grant funding will be made available. Frassetto reported that as the state flushes out it’s new Smart Growth legislation more funding opportunities may be made available. It was the consensus of the trustees to wait for future funding possibilities before contracting with the planning consultants for the remaining seven (7) elements of Smart Growth Comprehensive Planning. Compliance with the new legislation will not be required until 2007 – 2010.

17) Village Attorney

- a) **Update regarding Petrie/Mustang Acre drainage tile issue and Redevelopment Agreement** – Frassetto has forwarded stipulated changes to the development engineer and attorney. He reported that no new information was forthcoming from either party. He will take no more action until response is received.

18) **Village Engineer** – Nothing to report.

19) Unfinished Business from Previous Village Board Meeting

- a) Schneekloth called attention to a letter from Mike Slavney, Vandewalle & Associates, who clarified and restated his position regarding Official Mapping as planning consultant. It is, reported Schneekloth, the position of the consultant that any village should exercise it’s powers to map needed public facilities. In Slavney’s opinion such mapping is usually not perceived as threatening to neighbors public entities. Schneekloth moved to approve the Official Village Map. Barribeau objected on a point of order, that being that this was not an item on the agenda. Frassetto gave the opinion that it he was uncomfortable with taking action which had been referred to the Plan Commission but which they had not acted on.

20) Presentation of correspondence, resolutions, and related matters

- **Resolved:** that approval of the Official Village Map be placed on the agenda of the next meeting [Schneekloth]
- **Resolved:** that implementation and budgeting of Emergency Numbering Ordinance be placed on the next agenda for action. [Schneekloth]
- **Resolved:** that a preliminary 1999 year-end report of revenues and expenditures be put on the agenda for the next meeting [Laux]

21) Adjournment – Schneekloth moved to adjourn at 7:55 p.m. Barribeau seconded. Motion carried.

Election/Appointment

(1) Election

- (a) **Plan Commission/Trustee Member** – 1 year term – May 00 to April 01 – currently held by Bill Barribeau (elected by 2/3 vote of the Village Board)
- (b) **PRUT Board/Trustee Member** – 1 year term – May 00 to April 01 – currently held by Bob Wittmann (elected by simple majority of Village Board)
- (c) **PRUT Board/Plan Commission Member** – 1 year term – May 00 to April 01 – currently held by Joe Hennlich (elected by simple majority of board)
- (d) **PRUT Board/Citizen Member** – 3 year term – May 00 to April 03 – Position held since November 99 by Patricia Sevela (elected by simple majority of board)

(2) Appointment by Village President

- (a) **Plan Commission/Citizen Member** – 3 year term – May 00 to April 03 – currently held by Gavaert
- (b) **Plan Commission/PRUT Board Chair/Citizen Member** – 1 year term – May 00 to April 01 – currently held by Hennlich as Citizen Member
- (c) **Plan Commission/Village Engineer** – 1 year term – May 00 to April 01 – currently held by Gary Rosenbeck (concurrent with appointment as Village Engineer)
- (d) **Board of Appeals/Citizen** – 1 year term – to complete 3 year term May 98 – April 01 replacing Julius Schmidt (approval by Village Board)
- (e) **Board of Appeals/Citizen** – 3 year term – May 00 to April 03 – currently held by John Broeren (approval by Village Board)
- (f) **Extraterritorial Zoning Committee** – 3 citizen members of the plan commission appointed by village president. If there are no citizen members of the plan commission, then the village president may designate three members from the plan commission.
 - (i) **Citizen member of plan commission**
 - (ii) **Citizen member of plan commission**
 - (iii) **Citizen member of plan commission**

(3) Designation by Village President

- (a) **Board of Appeals Chair** – currently David Clifton
- (b) **Board of Appeals Alternate #1**, currently Gary Flak, and **Alternate #2**, currently Erick Bockhorn

Village Board Meeting Minutes

May 08, 2000

- 1) **Call to Order and Roll Call:** The meeting was called to order at 6:30 p.m. and roll was called as follows:

Present

William Barribeau
Joseph Beach
Joyce Laux
Andrew King
Lynn Milheiser
Carl Thomson
Donald Schneekloth

Others Present

Steven Frassetto, Attorney
Ellen Maxymek, Clerk
Richard Moxon, Public Works
Joshua Van Lieshout, Coordinator

- 2) **Pledge of Allegiance**

- 3) **Approval of Minutes: Beach move to approve the minutes of April 24, 2000. Schneekloth seconded. Motion carried.**

- 4) **Registered citizen comments on agenda items**

- Tom Brunette, W4957 Cliffview Dr., spoke against the emergency numbering system. He stated that he had been involved in emergency services for many years, and that such personnel were required to memorize all streets and addresses.
- James Knecht, W4698 Parkway Ct., spoke against the emergency numbering system saying that he had visible numbers on his mailbox and did not want a sign in the middle of his yard. He stated that the public hearing regarding the emergency numbering system was held during deer hunting week and that many residents opposed may have been unable to attend.
- Frank Schneider, W4888 Springhill Dr., spoke in favor of emergency numbering system stating that he experienced a neighbor with a heart attack who had to wait 25 minutes for the arrival of emergency personnel.

- 5) **Consent Agenda**

- a) Approval of Licenses
 - i) Operators License: Christopher M. Schlies – Milheiser moved to approve this operators permit. Thomson seconded. Motion carried.
- b) Review of Accounts Payables – Reports reviewed without comment.
- c) Review of Finance Report – Since there were numerous questions regarding the Revenue and Expenditure Statements the Treasurer was asked to bring back the financial reports when the new accounting system is more fully implemented.

- 6) **Report of the PRUT Board** – Although there were no outstanding issues needing approval of the Village Board. Van Lieshout reported regarding the PRUT Board meeting. Schneekloth noted that Doug Bisby is not taking charge of Little League baseball this summer and that he believed this should be taken up by the PRUT board.

- 7) **Report of Village Officers**

a) President

- i) **Enforcement of Ordinance 94-50** [Dog Ordinance] Schneekloth reported a call from a resident who related a problem with a neighbors dog coming into

her yard. She believes that the ordinance relating to dogs being under the control of their owners at all times is not being enforced. Schneekloth spoke to the Constable in this regard who stated he need to observe the offending animal before he could issue a citation. Schneekloth encouraged the resident to tape the animal in the act of violating to show to the constable in order to back up her observation.

- ii) **Schneekloth reported a call from property owner Joel Grenzer** who bought a lot and outlot, not knowing that he could not use the outlot in order to comply with zoning ordinance set backs. Schneekloth advised Grenzer to apply for a variance.
- b) Clerk/Treasurer
- i) **Board of Review meeting/adjournment** – Maxymek reported that an initial meeting of the Board of Review needs to be convened no later than June 6 after publication and posting 15 days in advance. Frassetto stated that the initial meeting does not require publication if it is called only for the purpose of meeting the statutory requirement and immediately adjourned.
Schneekloth moved to convene the Board of Review on May 15, 2000 at 6:20 p.m. and to adjourn immediately until the 2000 assessment roll is available. Laux seconded. King moved to amend the motion to waive the meeting stipend. Schneekloth seconded the amendment. Amendment carried with Schneekloth abstaining. Original motion carried.
 - ii) **Frank Schneider request for refund of building permit fees** – Maxymek reported that, according to records, in 1997 Schneider applied for and paid fees of \$1074. for a permit to build a home on Lot 167 of Windswept Shores I. Upon review of the building permit application, the code administrator determined that the application was not completed properly and was not adequately documented. Administrative personnel requested that the application be completed in writing and verbally to Schneider, however, 18 months expired and the application was never completed, approved, or denied. Schneider now requests that the payment be refunded to him. **Barribeau moved to refund these permit fees. Milheiser seconded.** King stated his opinion that a clarification to the zoning code should be referred to the Plan Commission. **Barribeau rescinded his motion. Milheiser moved to refer the matter to the Plan Commission for amendment of the Zoning Ordinance. Barribeau seconded. Motion carried.**
 - iii) **Review 2000 budget** – Maxymek pointed out that due to a calculation flaw in the 2000 budget document presented for approval in November of 1999, the 2000 transfer from reserve needed to balance the budget is increased from \$16,810. to \$30,889.

8) **Village Coordinator** – No report

9) **Village Attorney**

- a) **Confidentiality Ordinance** – Frassetto reported that this ordinance is meant to protect the confidentiality of a property owner who is using the income approach to establishing an assessed value. The chief complaint of persons using this

method has been that competitors have access to financial records that can be used to the disadvantage of the property owner. The new statute gives municipalities, by adopting this ordinance, the ability to ignore open record requests so that income information remains confidential. The statutes require that a confidentiality ordinance be in place before the 2000 BOR process is initiated. Frassetto suggested that this be considered the first reading of the ordinance, which will come back for a second reading and action at the next meeting.

- b) **Board of Review Certification** – Frassetto reported that the statutes governing Board of Review procedures require at least one member of the Board of Review to be certified every two years. Maxymek and Laux became certified this year. He recommended that as many members as are able take courses to become certified so that the BOR is not open to challenge on this basis.
- c) **Objections to Board of Review Members** – The attorney advised that the Board of Review statutes give the property owner the right to remove one BOR member without giving any reason. They can also ask to have other members who have of conflicts of interest to voluntarily step aside. Alternates can be appointed if needed.
- d) **Hawkinson Court Order** – Frassetto asked the board for direction on how to proceed since the May 6 date for compliance with the court order has passed. **Milheiser moved to authorize the Village Attorney to enforce the court order to remove specified vehicles and parts from the Hawkinson property. Laux seconded. Motion carried.**

10) **Village Engineer** – No report

11) Unfinished Business from Previous Village Board Meeting

- a) **Report regarding completion of contingencies required of Windswept Shores II** [pending new information] – Frassetto stated that he has sent correspondence to Schneider’s attorney, describing the progression of the development
- b) **Report regarding Petrie/Mustang Acres Redevelopment Agreement** [pending new information] – The development engineer has submitted proposed changes and updated figures to the Redevelopment Agreement
- c) **Approval of the Official Village Map**[Schneekloth, April 24, 2000] – **Schneekloth moved to approve the official map. Beach seconded. Barribeau moved to amend the motion to map facilities within the village boundaries only. Milheiser seconded the motion to amend.** Schneekloth stated that needed facilities within the village and those outside the village boundaries but within the 1 ½ mile extraterritorial zone should be mapped to clearly state the needs of the village. He further reported that the planning consultant stated that the mapping should be accomplished. Frassetto made the distinction that the mapping of facilities outside the limits of the village is clearly within the powers of the village. Practically, however, the implementation of the plans will require approval of the Towns of Harrison and Woodville and will be difficult to accomplish. **The motion to amend failed to pass with a vote of 3 ayes and 4 nays. The motion to approve the official village map carried following a roll**

call vote. Voting aye were Beach, Laux, King, Schneekloth. Voting nay were Barribeau, Milheiser, and Thomson.

- d) **Approval of implementation and budgeting of Emergency Numbering Ordinance** [Schneekloth, April 24, 2000] Barribeau requested that the ordinance be brought back before the board at the next meeting in light of the fact that Beach was not familiar with the ordinance as adopted.
- e) **Presentation of a preliminary 1999 year end report of revenues and expenditures** [Laux, April 24, 2000]
- f) **Review/Approval of amendment to Ordinance 99-16** [Plan Commission Ordinance] – Milheiser requested that evidence of the approval of the 99 amendment be brought to next meeting. Frassetto suggested that the clerk should locate evidence that the approved 99 amendment was signed and posted or in the alternative, sign and post the ordinance. Subsequent to that the board can act to amend the ordinance to provide for a citizen member or do away with the ordinance altogether and to decide upon a different composition of the Plan Commission. Milheiser asked that research be done regarding a motion by Mr. Wittmann at a prior meeting to remove requirements for a two-third vote in all actions of the board.
- g) **Appointment/Election of Plan Commission member** – Action was postponed until next meeting.

12) Presentation of correspondence, resolutions, and related matters

- Beach requested a report on the outcome of the Sekorsky water filter question. Van Lieshout reported that he inquired of the filter manufacturer. They reported that the black discoloration was a result of the activated carbon filter in a reverse osmosis system.
- Schneekloth questioned need for a Utility Commission and opined that the trustees could manage the Utility as a committee, convening meetings on the same evening as the board meetings. Milheiser disagreed with Schneekloth's opinion, stating that she did not think it would accomplish a savings.
- Milheiser asked Frassetto if he had looked into setting forth an invisible dog fencing ordinance. Frassetto stated that some communities did have such ordinances and that it would be possible to bring a model ordinance to the table if the Board so chooses.

13) Adjournment – Milheiser moved to adjourn at 8:55 p.m. Laux seconded. Motion carried.

Minutes submitted by:

Ellen Maxymek

SHERWOOD VILLAGE BOARD

May 10,1999
Finance Report

4147	Carpetco, Inc	Office Rent	400.00
4148	Harriet Danielson	Land Use Permit	25.00
4149	Village Residents	Dog License	47.00
4150	Bruce Schulz	Gym Rent	20.00
4151	Lakeshore Estates	On-site Resident Fees	12,937.31
4152	White Light Impressions	Office Rent	400.00
4153	Chad Sickler	Inspection Fee/Erosion	425.00
4154	David Petrie	On-site Resident Fees	330.00
4155	State of Wisconsin	Highway Aid	7,453.96
4156	A. L. Luchterhand	Inspec/Culvert/Erosion	662.50
4157	Rucon Construction	Inspection Fees	512.50
4158	St.John/Sacred Heart Parish	C.C. Rent/Deposit/Beer Per.	42.50
4159	Todd Reissman	Personal Property Taxes	60.46
4160	Bruce Schulz	Gym Rent	16.00
4161	Village Residents	Dog License	66.00
4162	Friederichs Abstract & Title	R/E Inquiry	20.00
4163	Evans Title Companies	R/E Inquiry	20.00
4164	Evans Title Companies	R/E Inquiry	20.00
4165	Bay Title & Abstract Inc	R/E Inquiry	20.00
4166	Evans Title Companies	3 R/E Inquiry	60.00
4167	Evans Title Companies	R/E Inquiry	20.00
4168	Evans Title Companies	R/E Inquiry	20.00
4169	Gregory Burneske	Gym Rent	40.00
4170	Nicole La Brec	Land Use Permit	25.00
4171	Patti Arnold	Copies	3.00
4172	Clarence Weller	Office Rent	200.00
4173	Transfer of Funds	Savings to Cash Acct	35,000.00
4174	Transfer of Funds	Bond Issue to Cash Acct	75,889.58
4175	Jim Gavaert Realty	2 R/E Inquiry	40.00
4176	Martin Villaca	Gym Rent	39.00
4177	Bay Title & Abstract	R/E Inquiry	10.00
4178	Friederichs Abstract & Title	2 R/E Inquiry	40.00
4179	Bruce Schulz	Gym Rent	20.00
4180	Robert Goching	Inspec/Culvert/Erosion	575.00
4181	State of WI	In Lieu of Taxes	318.46
4182	Sherwood W/S Utility	Wages	6,218.39
4183	Sherwood W/S Utility	March Refuse Collection	7.60
4184	Griffin Builders, Inc	Inspec/Culvert/Erosion	662.50
4185	Van's Realty & Construc.	Inspec/Culvert/Erosion	662.50
4186	Village Residents	Dog License	172.00
4187	Christ the King Lutheran	May Rent	250.00
4188	Sidney Schulz	Gym Rent	15.00

Sherwood Village Board
 Finance Report Continued
 May 10, 1999

4189	Bay Title & Abstract	R/E Inquiry	30.00
4190	Weyenberg Homes	Inspec/Land Use Permit	200.00
4191	Daniel Westbrook	Inspec/Land Use Permit	70.00
4192	Jack Hopfensperger	Publication Fees	20.00
		Hwy 114/55 Asses.	424.48
		Interest on Asses.	<u>75.52</u> 520.00
4193	Tami Weyenberg	Operator's Licese/Filing Fees	15.00
4194	Robert McCann	Inspec/Erosion/Culvert	662.50
4195	Village Residents	Dog License	56.00
4196	Transfer of Funds	Savings to Cash Acct	76,819.59
4197	League of WI Municipalities	Workers Comp Premium	202.50
4198	Evans Title Companies	R/E Inquiry	20.00
4199	Bay Title & Abstract Inc	R/E Inquiry	20.00
4200	High Cliff Supper Club	Publishing Fees	20.00
4201	Holz-In-One Inc	Publishing Fees/Beer/Liquor	245.00
4202	High Cliff Golf Course	Publishing Fees	20.00
4203	Knottingham's Supper Club	Publishing Fees	20.00
4204	Sidney Schulz	Gym Rent	18.00
4205	Village Residents	Dog License	32.00
4206	Castle Square Condo.	Hwy 114/55	1192.41
		Interest Asses.	<u>321.95</u> 1,514.36
4207	H & D Ventures	Hwy 114/55	1118.48
		Interest Asses.	<u>301.99</u> 1,420.47
4208	Condon Oil Company	Publishing Fees	20.00
4209	Evans Title Companies	2 R/E Inquiry	40.00
4210	Shenanigans	Publ./Beer/Liquor/Cigarette	<u>250.00</u>
	TOTAL APRIL RECEIPTS		\$225,972.68
	Less Voucher #11257 thru #11341		(219,682.17)
	April Interest on Checking Account		<u>220.71</u>
	CHECKING ACCOUNT BALANCE 04/30/99		\$ 38,398.33
	Village Savings Account	Interest (Apr) 1585.52	\$319,450.40
	Village Bond Issue	Interest (Apr) 7640.63	\$1,918,677.78

SHERWOOD VILLAGE BOARD
VOUCHERS
May 10, 1999

11342	MCWP&H	Professional Services	1,859.00
11343	Elkhart Lake Distributing	Supplies	306.80
11344	Vercauteran Publishing	Notices	220.80
11345	Office Depot	Supplies	334.66
11346	Calumet County Treasurer	Highway Signs/Sand/Salt	4,007.58
11347	Sherwood W/S Utility	Rec Center 71.92	
		Comm Center <u>37.95</u>	109.87
11348	WI Electric Power Co	Rec Center 237.20	
		Comm Cent. 257.47	
		Pavilion 10.92	
		Christmas Lts -0-	
		Comm Sign -0-	
		Street Lights <u>1289.74</u>	1,795.33
11349	McMahon Assoc. Inc	Lakeshore Est. 1877.61	
		'99 Rd. Cap. 1250.00	
		Miscel. Update 1312.00	
		TIF-State Pk. Est. 1820.77	
		TIF-WWTF 400.00	
		TIF-WWTF <u>244.17</u>	6,904.55
11350	Joseph Beach	2 Per Diem	64.64
11351	Joyce Laux	1 Per Diem	32.32
11352	Richard G. Moxon	Wages/Meeting	802.91
11353	Ellen M. Propson	Wages/Meetings/Postage	795.07
11354	WI Dept. of Revenue	State Withholding Tax	869.00
11356	IRS/M & I Bank	Federal Withholding Tax	3,896.16
11357	WI Retirement System	Retirement Deposit	1,985.00
11358	Lynn Milheiser	2 Per Diem	64.64
11359	Miron Construction	TIF-WWTF, Pay request #10	10,000.00
11360	Bruce Boykin	Wages-Building Inspector	1,075.55
11361	Gerald Maynard	Wages-Constable, C.C. Deposit	159.32
11362	George DeBruin	2 Per Diems	64.64
11363	Patrick Halbach	2 Per Diems	64.64
11364	Krueger True Value	Garage supplies	34.67
11365	TSR Wireless	Monthly Billing-pagers	12.62
11366	Andy King	1 Per Diem	32.32
11367	Gary J. Hess	Wages	1,091.36
11368	W. A. Vorpal, Inc	Freight on public safety items	3.82
11369	Kaukauna Times	Employment Notice	36.75
11370	Associated Appraisal	Prof. Services/supplies-Assessor	565.51
11371	Bay Towel Linen	2 months billing-uniforms, rugs etc	611.70
11372	Don Schneekloth	1 Per Diem	34.17
11373	Michael Cook	1 Per Diem	32.32

Sherwood Village Board
 Vouchers Continued
 May 10, 1999

11374	Lori Gosz	Wages/mileage	924.19
11375	Northeast Photocopy	Monthly Maintenance-Copier	104.53
11376	Bob Wittmann	4 Per Diem	129.29
11377	Anchor Nat'l Life Ins	Tax Deferred-Hess	50.00
11378	Anchor Nat'l Life Ins	Tax Deferred-Moxon	260.00
11379	Anchor Nat'l Life Ins	Tax Deferred-Hess	50.00
11380	Anchor Nat'l Life Ins	Tax Deferred-Moxon	260.00
11381	Bob Berghuis	2 Per Diem	64.64
11382	Carole Seidel	Crossing Guard Wages	171.22
11383	M & I Bank of Racine	Energy Loan Payment-final	146.65
11384	Barbara Grant	Wages/Meetings	854.52
11385	Superior Services	Recycling	744.62
11386	Superior Services	Garbage & Spring pickup	7,254.47
11387	Randy Ott	1 Per Diem	34.17
11388	Heartland	Computer	1,904.95
11389	Bill Barribeau	4 Per Diem	129.29
11390	James Gavaert	2 Per Diem	64.64
11391	David Lamers	Wages	627.88
11392	WI Support Collection	Child Support-Hess	80.00
11393	WI Support Collection	Child Support-Hess	80.00
11394	WI City/County Manage.	Dues	50.00
11395	WI Towns Association	Employment Notice	25.00
11396	Carl Thomson	1 Per Diem	<u>32.32</u>
TOTAL MAY VOUCHERS			\$ 51,910.10

- 1) Call to Order and Roll Call
- 2) Pledge of Allegiance
- 3) Approval of Minutes
- 4) Registered citizen comments on agenda items
- 5) Consent Agenda
 - a) Approval of Licenses
 - i) Operator's License: Tammy Verhagen
 - b) Approval of Vouchers
- 6) Report of Village Plan Commission for Approval
- 7) Report of Village Utility Commission for Approval
- 8) Report of Village Officers
 - a) President
 - b) Clerk/Treasurer

- i) Recommend motion to postpone Board of Appeals meeting to June date as per request of Calumet County Treasurer
 - ii) Clerk/Treasurer Report for Review and/or Approval
 - iii) Finance Report for Review
- 9) Village Coordinator
 - a) Y2K Readiness Report
 - b) Emergency response system and tornado siren readiness
 - c) Code Enforcement Updates
 - d) Digger's Hotline proxy authorization
 - e) Eastshore Humane association request for funding
 - f) Recommend motion to MOVE INTO CLOSED SESSION at the end of tonight's agenda per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and per State Statute 19.85(10)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons required a closed session; and then RETURN TO OPEN SESSION to take further action or to adjourn the meeting
- 10) Village Attorney
 - a) Engineering agreement with Schmalz/Haen
- 11) Village Engineer
 - a) Review of Road Paving Bids and approval of contract
- 12) Unfinished Business from previous Village Board Meeting
- 13) Presentation of correspondence, resolutions, and related matters
 - a) resolution to investigate Community Oriented Policing Service Grant (King)
- 14) Adjournment

Village Board Minutes
May 24, 1999

- 1) The meeting was called to order by President Schneekloth. The following trustees were present: Don Schneekloth, Lynn Milheiser, Bob Wittmann, Bill Barribeau, Carl Thomson, Andrey King. Joyce Laux was excused. Also present were Ellen Propson, clerk; Barbara Grant, coordinator; Rich Moxon, public works superintendent; and Steve Dozer, attorney.
- 2) The president led the group in the Pledge of Allegiance.
- 3) MINUTES: Barribeau moved to approve the minutes. Second by Thomson. Motion carried.
- 4) CITIZEN COMMENTS: Schneekloth moved to waive the rule to allow Jean Horn to speak regarding the letter she submitted. Second by Barribeau. Milheiser abstained. Motion carried.

Jean Horn expressed her desire for more active fire permitting ordinances and until such time that rules are instituted that something be done. She asked that the constable be directed to enforce the present burning ordinance more actively on Memorial Day weekend this year. Grant indicated that she could talk to the constable, but she also expressed her belief that the present nuisance ordinance language is not adequate for burning control in the Village other than requiring residents to stay on site and control smoke. Schneekloth directed Grant to speak to constable and to direct him to speak to neighbors in advance of the event.

Schneider addressed the Board regarding the weed ordinance. He questioned the citation of specific Latin names and thought that 8" dandelions produced plenty of seeds. He expressed that the ordinance was directed against one person only and made reference to a pending lawsuit. Schneekloth indicated Schneider's time had expired and asked for a motion to extend the time. No motion was made.

- 5) CONSENT AGENDA.
 - a) **Schneekloth moved to approve operator permits for Douglas Laux, Corey Feller, and Alissa Boucher.** Wittmann second. **Motion carried.**
 - b) **Barribeau moved approval of the vouchers.** Milheiser second. Barribeau questioned the voucher for health insurance and to the utility commission. **Motion carried.**
- 6) UTILITY REPORT. No action required.
- 7) REPORT OF VILLAGE OFFICERS
 - a) PRESIDENT'S REPORT. Need for concept (comprehensive) plan for the Village to identify where multi-family units should be placed, placement of streets, etc. Need for master drainage plan to be implemented including working with golf course. Because of issues regarding quarry concerns, spoke with owner. Newsletter should be out in early June.
 - b) CLERK/TREASURER REPORT. Received emergency numbers ordinance today and did not bring it this evening.

Barribeau moved to approve Finance Report. Milheiser second. Motion carried.

- 8) ATTORNEY REPORT.
- a) Schmalz/Haen engineering agreement not yet signed but expected.
 - b) Hawkinson complaint filed, judge substituted, brief deadline set for June 11th. Additional ongoing violations can be cited and need not be added to the brief and court procedure.
- 9) ENGINEER REPORT: Grant recommended acceptance of Sherwood Forest Golf Village contingent upon the Plan Commission's acceptance tomorrow tonight due to the reversed closeness of the meetings and the lack of engineer contingencies. Schneekloth expressed his hesitation at setting this precedent. Grant indicated that the engineer had not contingencies in the letter presently before the Board.

Wittman moved to allow Florian Schmidt to comment. Barribeau second. Schneekloth amended the motion to three minutes. Wittmann second. Motion and amendment passed.

Schmidt read the engineer's letter recommending approval. Schneekloth explained that the subdivision was caught in the quirks of this schedule change.

Schneekloth moved to accept the Sherwood Forest Golf Village subdivision. Wittmann second. Thomson asked if there were another way to proceed while still following procedure. Schneekloth **amended his motion to indicate that approval by the Plan Commission must be without comment or the action would become null and void.** Wittman accepted amendment as one who second the motion. **Motion passed as amended.**

10) COORDINATOR REPORT.

- a) Grant recommend installment plan for pre-burial purchase of cemetery plots. There was general consensus not to change the present fees and policies regarding purchase of plots. Milheiser asked that additional gravel be placed on the access road and that an attempt be made to inform families of broken headstones.
- b) Grant explained that she had called the Sheriff regarding speed complaints on Spring Hill Drive as well as to ask for guidance regarding the efficacy of adding stop signs and changing speed limits.

Grant introduced Sheriff Bielke who reported that there were 182 citizen calls for service in the Village during 1998. To date last Friday in 1999, the sheriff's office has logged 127 incidents either thru citizen or officer initiation, 37 of which were for traffic violations. He indicated that addition of traffic control devices must be well-researched as each control device will result in additional citations.

Grant asked whether increasing speed limit on the hill would decrease speeding at the bottom. Bielke responded that stop signs tend to increase speed after stopping. Whatever tools are chosen, enforcement is needed. He suggested that an orange flag be placed on any new regulating signs to call attention to the changes.

Schneekloth asked if an individual could call in a speeding complaint; Bielke replied that the individual would need to show up in court if the person cited contested the citation.

Thomson reported that in his speaking to neighbors only one additional stop sign would be needed. Thompson asked if the speed sign is of any value as it is used in Appleton. . Bielke offered that the radar speed sign could be used to increase speed education and could be arranged through his office at our request.

Schneekloth moved to recognize Doug Knutson, citizen, for three minutes. Thomson second. Motion carried. Knutson requested a stop sign on both east and west of Spring Hill. He indicated that four motorcycles recently sped up the hill at speeds exceeding 80 mph in his judgment.

Barribeau moved to recognize Frank Schneider, citizen, for three minutes. Wittmann second. Motion carried. Schneider reported that from his front porch he recorded that only 1 out of 36 or 38 persons stopped at the stop sign. Schneekloth directed Schneider to discuss other topics with the Sheriff on his own time.

Grant discussed the procedure for adding stop signs and setting speed limits. She also indicated that street design options might be appropriate. A video regarding “roundabout” designs is in her office for those who would like to review it.

Schneekloth: Resolve to place four-way stop at the corner of Spring Hill & Cliffwood, Clifton & Sundown, and Pigeon & State Park Road and also erect a speed-zone sign going down the hill. One additional stop along that break. Resolution can be amended during the resolution portion of the meeting.

Barribeau asked whether speed citations were to residents. Bielke would need to check. Asked that the radar machine be used both on weekdays and evenings as well as weekends.

- c) Grant introduced a Village of Little Chute ordinance regarding the regulation of lawn height to eight (8) inches as well as administration of a permit process to annually permit natural lawns. Schneekloth felt that our present ordinance has no teeth. Grant expressed concerns regarding enforceability of natural lawns with an 8” height minimum. Wittmann expressed that annual permitting might be excessive but that owners should be allowed to have natural lawns. Thomson concurred with Wittmann. Dozer indicated that the permit could run with the property and that a regular review period would be preferred. There was additional discussion.

Schneekloth moved to refer the ordinance to the coordinator for additional work based on the Little Chute ordinance. Wittmann second. **Motion carried with Milheiser voting nay.**

- d) Grant reported that she had talked to Calumet County planner Klessig regarding their citation of Ecker’s quarry extending past the limits of the Village. Ecker had responded that his use of his whole property was compliant as a grandfathered use.
- e) Grant reported that the Land Use Advisory Committee had met and that East Central Regional Planning presently requires an approved comprehensive plan before East Central will approve a sewer service area amendment. East Central’s approval of a municipality’s comprehensive plan is a problematic philosophy if plan requirements are not preferred by a municipality. East Central would contribute funding toward the Sherwood and would help with sewer service area planning but has not offered to do Sherwood’s comprehensive plan.
- f) The Emergency Numbering system was raised as unfinished coordinator business. The Board was reminded that the approximately \$15,000 could be taken from reserves to pay

for signs and that this could be placed as a special charge during 2000. New homes would purchase numbers when they take out building permits, as they do presently. Schneekloth has concerns with a developing a required system with its liabilities and rural look and would like to see if other communities have experiences that would be useful. Grant reported that she knows of no Fox Valley urban communities with this rural numbering system and confirmed that volunteer rescuers have had problems finding properties, especially at night. **Grant was directed to bring this to the June Village Board meeting.**

- g) **Schneekloth made a motion to move closed session item to the end of the meeting.** Wittmann second. **Motion carried.**

11) Unfinished Business.

- a) **Schneekloth resolved to delete Ordinance 44, Village Rules.** Barribeau second. **Motion carried.**

12) Presentation of correspondence, resolutions, and related matters

- a) **Schneekloth resolved to add a stop sign at the corner going west on Spring Hill and to add one "Speed Zone Ahead" sign.**

13) **Schneekloth made a motion to move into closed session per Wisconsin Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation; and per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargains reasons require a closed session; and then to return to open session to take further action or to adjourn the meeting.** Wittmann second. **Motion carried**

14) **Schneekloth moved to return to open session at 9:00 pm.** Milheiser second. **Motion carried.**

15) **Wittmann moved to adjourn at 9:01 pm.** Barribeau second. **Motion carried.**

Minutes submitted by

Barbara Grant

Supplemental Notes To Minutes: June 12, 2000

- *Upon clerk review of the tape transcript [Resolve, Beach, July 25, 2000] the following discussion on Agenda item 16 is reported: Beach asked if home owners can elect to place emergency signage on the front of a building if the house was setback 65-70 feet from roadway. Milheiser responded that the ordinance as approved specified that the sign could be posted on the front entrance, only when the building was close to the street, and could not accommodate a mailbox post or other post. She reported the exception was meant to provide an alternative for downtown locations, which have no green space on which to mount a post. Beach asked if the maximum setback for these buildings is 20 feet. Laux stated it is a 40 feet maximum. King and Beach asked if the property owner can select the type of sign they want to mount at will. The consensus response was in the negative. The recorded motion by Barribeau was to adopt selection of the \$9.50, flat 6x12 inch sign with reflective numbers. Motion was seconded by Laux. Milheiser moved to amend the motion to allow selection of either sign. Seconded by Thomson. Amendment carried. Amended motion carried with 1 nay vote.*
- *Upon clerk review of the tape transcript [Resolve, Beach, July 25, 2000] the following discussion on Agenda item 8 is reported: Attorney Frassetto commented that some nearby communities have created storm water utility districts, which charge fees, and build up a reserve for construction and maintenance of storm water management infrastructure. He also stated that in this case the pond cleanup could be financed by special assessment although that may not be equitable to the surrounding property owners. Following a question by Beach, Engineer Rosenbeck responded that the Springhill Pond did not have much detention capability and thus was not an essential part of the storm water drainage system. Laux stated her understanding that the pond was originally 20 feet deep and had filled in to about 4 feet. Thomson stated that it is hard to believe a pond 100 feet wide by 20 feet deep by 1/3 mile long does not hold a lot of water. Rosenbeck stated that the depth of any pond is not of great consequence to its detention capacity. The most important characteristic in terms of detention is the amount of freeboard area above the normal water pool level. It is that area which fills during a rainfall and drains downstream in a controlled manner.*

Village Board Meeting Minutes

June 12, 2000

- 1) **Call to Order and Roll Call:** The meeting was called to order at 6:30 p.m. The roll was called as follows:

Present

William Barribeau
Joseph Beach
Joyce Laux
Andrew King
Lynn Milheiser
Carl Thomson
Donald Schneekloth

Others Present

Steven Frassetto, Attorney
Ellen Maxymek, Clerk
Rich Moxon, Public Works
Josh Van Lieshout, Coordinator
Gary Rosenbeck, Engineer-10:00 pm

- 2) **Pledge of Allegiance**

- 3) **PUBLIC HEARING:** Regarding an application by Calumet County to amend the text of the Zoning Ordinance 97-65 Section 4-1 D-1 to increase the allowable size of an accessory structure: Schneekloth made three calls for public comment without response and then closed the hearing.

- **Recommend approval of the application to amend text of the Zoning Ordinance 97-65 Section 4-1 D-1 and waiver of Village Board Rule 9(a)(i) by application of 9(a)(ii): Schneekloth moved to suspend the rule of the Board requiring two readings of the amendment. Barribeau seconded. Motion carried unanimously. Barribeau moved to amend the text of the Zoning Ordinance, Section 4-1 D-1 in order to expand the allowable size of an accessory structure for government purposes in an industrial zone not to exceed 30%. Schneekloth seconded. Motion carried unanimously.**

- 4) **PUBLIC HEARING:** Regarding a proposed text amendment to the Zoning Ordinance 97-65 Section 6-5-E to refund fifty percent permit fees following expiration of application time limit: Schneekloth made three calls for public comment without response and then closed the hearing.

- **Recommend approval of proposed amendment and waiver of Village Board Rule 9(a)(i) by application of 9(a)(ii): Schneekloth moved to suspend the rule of the Board requiring two readings of the amendment. Beach seconded. Motion carried unanimously. Milheiser moved to approve the proposed amendment. Laux seconded.** Barribeau stated his view that the Village should refund all fees except handling costs. Schneekloth stated that each case should be handled on its own merit. Schneekloth moved to give the floor to David Miller. Barribeau seconded. Motion carried. Miller stated his belief that issues of this nature occur due to extenuating circumstances and should be handled on a case by case basis. **On a roll call vote, Milheiser voted aye. Voting nay were Barribeau, Beach, Laux, King, Thomson, Schneekloth. The motion was rejected.**

- 5) **Approval of Minutes:** Barribeau moved to approve the minutes of May 8, 2000. Beach seconded. Barribeau stated that agenda item 5c should be amended to read *the*

Treasurer was asked to bring back the financial reports. The motion to approve with the indicated change carried.

6) Registered citizen comments on agenda items

a) Request to hear citizen comments regarding pond bordered by Springhill Dr., Palisades Trail, Escarpment Tr., Sundown Court [David Miller]:

- David Miller, W4887 Springhill Drive, speaking on behalf of neighbors living in the vicinity, stated that silt and algae are filling in the pond and wildlife is dying. The pond, which was originally 20 feet deep has filled in to a depth of 4 feet. He asked what the Village can do to clean up the pond.
- Dennis Allar, W4857 Springhill Drive, stated that he believes the pond will become a health hazard.
- Barb Jack, W4843 Escarpment Tr., agreed with the previous statements and would like to see something done about cleaning out the pond.

b) Request by Steve DeMay, Sherwood Optimist Club, to be heard regarding playground equipment at Legion Park: DeMay offered a statement, signed by numerous residents who expressed disappointment that the installation of play equipment at Legion Park had not been accomplished in a priority manner. He noted that he was satisfied with recent accomplishment in that regard.

c) Request by Ronald Wenzel, N7751 Windswept Lane, to be heard regarding right-of-way use issue [Barribeau]: Wenzel stated that Schneekloth has been digging up gravel and depositing it on the other side of his driveway where it extends into Village right of way. He offered documents, which, he said, substantiate his claim. Wenzel stated he wants the Village Board to inform Schneekloth to stop his actions.

- In response to a question from David Miller, Schneekloth stated that any trustee who wished to do so could make a resolution at the appropriate time on the agenda in regard to Mr. Wenzel's request.

d) Request by Sidney and Lisa Schulz, Lot 42 Sherwood Forest Subdivision, to be heard regarding Zoning Code Ordinance #65, Section 4-7-H-2 re. screening of perimeter landscaped open space on commercial property abutting residential district property: King reported that it was his understanding that the Schulzs intend to request a variance by the Board of Appeals.

- Jim Merrit, W290 Kings Way, stated that the Sherwood Dental Clinic parking lot abuts residential property. He reported his concern for the safety of his children, stating that someone could pull into the parking lot and snatch up children playing in the yards that abut the parking lot. He stated the commercial property should be fenced or screened from neighbors' view. Schneekloth suggested that Merrit voice his concerns before the Board of Appeals if the Schulz request a variance.

- Mike Cook, N7770 Palisades Trail stated that he discouraged the Board from becoming involved in funding of a clean up of the pond. He stated that the former Board, when addressing this issue, estimated about \$50 per resident would be needed to fund the \$50,000 cost of clean up of the privately owned pond.
- Bob Sieve, W434 Stumpf Ave., stated that traffic and speed on Stumpf Ave. has increased tremendously since it's use as a shortcut to the Golf Course on County M. He is concerned for the safety of children and elderly of the neighborhood. He proffered a proposal, circulated in the neighborhood, asking for 3-way stop signs at Meehl and Stumpf, relocated and remounted speed reduction signs, Slow – Children Playing signs on Stumpf and on Leslie St., and Slow signs on Margaret Ct.
- Milan Deprez, W406 Stumpf Ave., was present to support increased speed control signage on Stumpf Ave.
- Sharon Williams, W4847 Blackcherry Ln., stated she was present to hear the Board decision regarding the Meadowcliff Condo utility project.
- Harly Zietlow, W4898 Golf Course Rd., stated his support of the emergency numbering ordinance. He had been a member of a fire department and understood the need to be able to find addresses in emergency situations. It is, he stated, a life or death issue. He requested that the clerk record accurate minutes of those voting for or against the numbering system. He stated that if a tragedy should occur as a result of not having the address signs in place, he would encourage [victims] to sue the Village.
- Michael Cook, stated that the Board should implement the wishes of the citizenry regarding emergency numbering system. He stated that the previous Board thought that locating house numbers in the event of an emergency was important enough to pass the ordinance. He stated that the current Board erred in rescinding the action by the previous Board. Schneekloth interjected that the Board had passed an ordinance requiring posting of emergency numbers and that the current issue was one of budgeting the monies to purchase the signs.
- Tom Jack, W4843 Escarpment Tr., stated his support of implementation of the emergency numbering ordinance.
- Barb Jack, W4843 Escarpment Tr., stated that posting clearly visible house numbers will benefit not only emergency personnel, but also delivery businesses such as Federal Express and UPS.
- Steven B. Little was unable to attend the meeting. Schneekloth read into the record Mr. Little's letter in support of emergency numbering [attached]

Barribeau asked to change the order of the Agenda to take up Agenda items 16 and 17 at this time. There was no objection to the change.

16) Unfinished Business from Previous Village Board Meeting

- a) **Review of Emergency Numbering Ordinance [Barribeau May 8,2000]:** Barribeau displayed two signs from those under consideration by the Board. **Barribeau moved to adopt selection of the \$9.50, flat, approximately 6 x 12 inch sign with reflective numbering. Seconded by Laux.** Beach commented that he has a clearly visible house sign which the Village provided and that an additional sign and post will create an obstacle for children biking and snow plowing. Barribeau stated that the house numbers of which Beach was speaking were not reflective at night.
- **Barribeau moved to give the floor to Barb Jack. Beach seconded. Motion carried.** Jack stated that non-reflective numbers and those on set back homes cannot be seen at night. She further said that for those citizens with mailboxes across the road from their homes that she was told by a post office official that mailboxes can be moved to the home side of the street.
 - **Laux moved to acknowledge John Hocks. Second by Milheiser. Motion carried.** Hocks, speaking as a member of the Calumet County Sheriff Department commented that the reflective signs aided recent calls in Town of Harrison especially in dense fog conditions.
- Milheiser moved to amend the motion to select either of the signs displayed. Thomson seconded. Amendment carried. Original motion carried.**
- b) **Implementation/budgeting of Emergency Numbering Ordinance [Schneekloth, April 24, 2000]** Barribeau noted that interest revenues appeared to be greater than budgeted and that this revenue could be used to fund the emergency numbering system. **Barribeau moved to amend the budget for the purchase of emergency numbering signs and posts. Second by Milheiser. In a voice vote Barribeau, Beach, Laux, Milheiser, and Thomson voted aye. King and Schneekloth voted nay. The motion carried.**
- c) **Review minutes of April 27, 1999 Village Board Organizational Meeting regarding approval of amendment to Ordinance 99-16 [Plan Commission Ordinance] and minutes of September 27, 1999 regarding amending ordinances to elect members to all Boards and commissions [Milheiser May 8, 2000]:** Milheiser reported that she checked all the ordinances and that the only one requiring a 2/3 majority vote was the Plan Commission Ordinance 99-16. **Schneekloth moved to amend the ordinance to appoint a citizen member to replace the 2/3 majority vote to elect a trustee member to the Plan Commission. King seconded. Barribeau moved to substitute the motion on the floor with a motion to amend the ordinance to elect a trustee member of the Plan Commission by simple majority. Milheiser seconded the substitution motion. In a roll call Barribeau, Laux, Milheiser, Thomson voted aye. Beach, King, Schneekloth voted nay. The motion carried.**
- d) **Appointment/Election of Plan Commission member:** Schneekloth moved to elect Beach to the Plan Commission. King seconded. In a roll call, Beach, King, Schneekloth voted aye. Barribeau, Laux, Milheiser, Thomson voted nay. The motion was rejected.

Milheiser moved to elect Barribeau to the Plan Commission. Thomson seconded. In a roll call Barribeau, Laux, Milheiser, Thomson voted aye. Beach, King, Schneekloth voted nay.

- e) **Review/Approval of Frank Schneider request for refund of building permit fees: Barribeau moved to refund building permit fees. Milheiser seconded.** When questioned Frassetto stated that he consulted with the coordinator in one phone call regarding the matter of the incomplete application. Schneekloth stated that the documentation indicated the coordinator spent sufficient time not to warrant a full refund. **In a roll call vote Barribeau, Laux, Milheiser, Thomson voted aye. Beach, King, Schneekloth voted nay. The motion to refund all the permit fees carried.**

17) Presentation of correspondence, resolutions, and related matters

- a) **Resolve: Amend Street Signs Ordinance #49 to install stop signs at Lake Breeze Drive and Cliffview Drive:** Van Lieshout stated that since Lake Breeze was planned as a collector road and main artery, stop signs as a means of slowing traffic may not be an effective method of controlling traffic. **Beach moved to install 4-way stop signs at intersection of Lake Breeze Dr. and Cliffview Dr. Milheiser seconded. Motion carried unanimously.**
- b) **Resolve: Amend Street Signs Ordinance #49 to install stop signs at Stumpf Ave. and Meehl St. [King]: King moved to install 3-way stop signs at Stumpf Ave. and Meehl St. Beach seconded. Motion carried unanimously.**
- c) **Resolve: Amend Speed Limit Ordinance to reduce speed limit on Stumpf Ave. from 25 mph to 15 mph [King]: King moved to reduce the speed limit on Stumpf Ave. from 25 mph to 15 mph. Milheiser seconded. Motion carried unanimously.**
- d) **Resolve: to place on the next meeting agenda and consider as a first reading the installation of 3 – way stop signs at the intersection of Margaret Ct. and Leslie St. [Beach]**
- e) **Resolve: to place on the next meeting agenda the reduction of the speed limit on Margaret Ct. from 25 mph to 15 mph. [Milheiser]**
- Barribeau asked whether fluorescent colored Children at Play signs have been installed [on Springhill Dr.] Moxon reported that per the DOT fluorescent colored signs can only be placed in school zones.
- f) **Resolve: to place on the next meeting agenda the installation of yellow and black Children at Play signs on Springhill Dr. [Schneekloth]**
- g) **Resolve: have Village Attorney draw up a friendly resolution to the Wenzel/Schneekloth right-of-way dispute [Barribeau]**
- h) **Resolve: To place on the agenda of the next meeting for discussion/action removal of Escarpment Terrace from the 2000 road reconstruction projects. [Barribeau]** Schneekloth read into the record a letter written by Steven D. Little

and signed by numerous residents asking that Escarpment Terrace be removed from the 2000 road projects to be resurfaced.

7) Consent Agenda

a) Approval of Licenses

i) Recommend approval of new Operator's License: [pending record clearance]

- (1) Amanda McCann
- (2) David Harder
- (3) Kristin Whiting
- (4) Tamara L. Thiel
- (5) Ann Schumacher

ii) Recommend approval of renewal Operator's License [pending record clearance]

- (1) Jessica L. Holz
- (2) Kris Van Rossum
- (3) Kim Van Rossum
- (4) Kris Halbach
- (5) Donna Nieuwenhuis
- (6) Christine L. Van Eperen
- (7) Matthew J. Preissner
- (8) Rita T. Chia
- (9) Janice Marx

Milheiser moved to separate action on application of Tamara L. Thiel and to approve all other operator's licenses. Barribeau seconded. Motion carried.

Beach moved to approve the application for an operator's license of Tamara L. Thiel. Schneekloth seconded. Milheiser stated that Thiel had an extensive record and that she was leery of letting the applicant work anywhere in the Village. **In a roll call Beach and Schneekloth voted aye. Barribeau, Laux, King, Milheiser, Thomson voted nay. The motion to approve was rejected.**

iii) Recommend Renewal of Alcohol Beverage License

- (1) Combination Class "A" Beer & Liquor
 - (a) Kraig Bauman, Agent, Condon Oil Company, Sherwood Mobil Mart
 - (b) Anthony J. Mueller, Agent, T.J.'s Foods LTD of Sherwood, Inc.
- (2) Combination Class "B" Beer & Liquor
 - (a) Paul J. Weis, Knottinghams
 - (b) Lynda M Hopfensperger, The Granary
 - (c) James Radcliffe, Agent, Duncliffe Inc., Shenanigans
 - (d) Gregg Holz, Agent, Holz-In-One Inc., Sherwood Forest Country Club
 - (e) Jean M. Sprangers, Jeanne's
- (3) Class "B" Beer
 - (a) Robert Jome, Agent, High Cliff Golf Course, Inc.

iv) Recommend approval of Original Alcohol Beverage License

- (1) Combination Class "B" Beer & Liquor
 - (a) Douglas Schneider, Agent, The Cliffs of Sherwood, Ltd.

Schneekloth moved to approve all alcohol and fermented beverage licenses. Barribeau seconded. Milheiser noted that not all of the licenses were fully paid. Maxymek stated that she would not issue licenses until they are paid. **The motion carried unanimously.**

- b) **Review of Accounts Payables:** The payment of accounts payable and payroll expenditures were reviewed. Thomson questioned a payable of \$1,368 to the Wisconsin Retirement System that was noted as a late fee. Maxymek stated that this was an annotation error and that in fact the late fee portion of the payment was \$3.00. Maxymek noted that \$740 in credits for sales tax charged in error was received from Wisconsin Electric Company. She also reported that a purchase/buyout of formerly leased telephone equipment was made to TDS Telecom in the amount of \$222. This will save approximately \$60 lease equipment charges per month.
- i) **Recommend approval of requests for donation: Milheiser moved to approve the donation expenditures of \$300 to Thomas E. Kees American Legion Post and \$50 to East Shore Humane Association. Schneekloth seconded.** Milheiser stated that these donations were approved during each of the past five years. When questioned by Schneekloth as to whether the donations were budgeted, Maxymek replied that \$1,000 was budgeted for donations in the fire protection section of the budget but that no other donations were budgeted. She stated that if the Board was not contemplating donations for emergency services they may wish to approve a budget change to expend donation monies in another area of the budget. Milheiser stated that because dog license revenues were a budgeted item, which would cover the expenditure of these donations, no budget line was necessary. **Motion carried unanimously.**
- c) **Review of Finance Report:** The finance reports were reviewed. Laux asked if the 1999 year-end Budget Comparison report was accurate. Maxymek reported that it was accurate. Laux commented that several areas of the 1999 budget lines went over budget. She stated that as 2000 budgets are close to being fully expended, she would like the Treasurer to bring it to the attention of the Board before the expenditures are made. Laux called attention, as an example, to the highway signs budget line, which at May 31 is 70% expended. She would like the Board to be aware of these budget issues when they are contemplating authorization of additional expenditures

- 11) **Report of the PRUT Board:** No action on the information only report was required.
 - a) Elected of PRUT Board Chair: Elected Tom Doughman as PRUT Board Chair.
 - b) After receiving good response to the recreation, health, and fitness scheduled an organizational meeting to start up drop-in summer volleyball activities
 - c) Develop a list of park names, publicizing a children's contest to name the TIF school site park.
 - d) Get information about creating fish habitats and fishing platforms and fish cribs in Village ponds.

- e) Received report on progress of TIF Park development. Topographical map is completed, grading plan is nearing completion, bid specifications are being prepared.
 - f) No responses have been received regarding tree planting bids. DOT permit has been obtained to plant trees under electric lines along Hwy. 114.
 - g) Heard report from coordinator that trail grant funding cannot be applied for until land and easements have been acquired and engineering has been done.
- Schneekloth requested that future organization of Little League baseball be referred to the PRUT Board. He also commented that the Optimist Club offered their services to foster youth programs.
 - Beach expressed concern that the sand volleyball court and the baseball diamond are in poor condition and need to be worked for use this year. Van Lieshout reported that the volleyball sand court and the baseball diamond were being groomed and graded and that drain tile will need to be installed when funding is available.
 - Thomson asked why the PRUT Board had not included installation of utilities in Phase 1 of the TIF Park development. Maxymek reported that the PRUT Board made a conscious decision, which was then approved by the Village Board, to develop only the western section of the park up to and including the parking lot area and to develop the Castle Drive trail the full length of the site. The topographical study of the site was already completed based on those prior decisions and bids were due to be opened on June 22. Van Lieshout stated that since the location of a future shelter was not yet determined the Boards decided to install the utilities in a subsequent phase of the development.

12) Report of Plan Commission

Action Items

- a) **Recommended approval of an amendment to the zoning ordinance to provide for a 50% refund of permit fees following expiration of time limit to complete application and occupancy requirements. A motion to approve the recommendation was rejected under Agenda item 4 above.**
- b) **Recommended approval of Request for Zoning Amendment and waiver of two [2] reading rule made by Calumet County for the purpose of amending the text of Section 4-1-D-1 of the Village of Sherwood Zoning Ordinance in order to expand the size of an accessory structure for government purposes in an industrial zone not to exceed 30%. Included the ability of the Village to purchase road salt out of the county facility as long as county personnel is on hand. A motion to accept the recommendation was approved under Agenda item 3 above.**
- c) **Recommend approval of a plan to reconstruct Pigeon Road built to as great a width as possible, with curb and gutters and a future trail on the west side of the road, and drainage ditch on the east side of the road. Schneekloth moved to accept the recommendation of the plan to reconstruct Pigeon Road and to proceed with engineering. Laux seconded the motion. Milheiser commented that a plan to reconstruct was engineered in 1997 and approved at that time. Beach asked**

why curb and gutter was approved only on one side and whether this is an assessable project. Thomson pointed out errors in the cross cut drawing submitted by the engineers. **Barribeau moved to table the discussion. Milheiser seconded. Tabled.**

For Information Only

- a) Approved application by Triple B Investments, Carl Boucher, Owner, for a conditional use permit for the expansion of a fenced storage area and parking in a commercially zoned district. The approval included installation of a fence at a two (2) feet set-back from the property line and right-of-way and require planting of a maximum of six (6) screen trees.
- b) No action due to a lack of voting quorum regarding request by Frank Schneider to eliminate the South lot line of Lot 175 and the North lot line of Lot 167
- c) Approved continuing to schedule Plan Commission meeting on the third Tuesday of each month until such time as the full commission is seated.
- d) Recommended postponing appointment of citizen members to Extraterritorial Zoning Committee to a future date. Berghuis indicated willingness to serve.

13) Report of Utility Commission

Recommendations for Approval

- a) **Recommend for acceptance Option #3, sub-option #2 to reconstruct sewer and water lines for Meadowcliff Estates. Also recommend that Meadowcliff Estates owners (30 units) be special assessed for a maximum of \$55,000 over a period of 3 years. All of this contingent upon Utility securing the remaining \$76,000: Milheiser moved to approve the recommendation. Laux seconded. Motion carried.**

For Information Only

- a) Purchase of replacement sensor for gas detection equipment at the WWTF.
- b) Paving of driveway at WWTF to start as soon as possible.
- c) Water tower tentatively scheduled to be completed by August 25, 2000.

14) Report of Zoning Board of Appeals

For Information Only

- a) Granted a variance to the rear yard setback requirements set forth in section 3-1G for the R-1A zoning district by Joel Grenzer for Lot 15, First Addition to Cliffwood Estates Subdivision, stipulating that if sold the main lot and outlot must be sold together.
- b) Granted a variance to the height and illumination requirements set forth in section 4-C5 and 4-J2c in a commercially zoned district by Sherwood Dental S.C., Lisa Schulz for part of Lot 42, Sherwood Forest Subdivision.
- c) Granted a variance to the front yard setback requirements set forth in section 3-1G for the R-1B zoning district by Van's Realty and Construction, Jerry Haen for Lot 2, Fairway Estates Subdivision.

- d) Granted a variance to the front yard setback requirements set forth in section 3-1G for the R-1B zoning district by Van's Realty and Construction, Jerry Haen for Lot 3, Fairway Estates Subdivision.
- e) Granted a variance to the front yard setback requirements set forth in section 3-1G for the R-1B zoning district by Classic Homes of Appleton, Jerry Haen for Lot 24, Fairway Estates Subdivision.
- f) Granted a variance to the front yard setback requirements set forth in section 3-1G for the R-1B zoning district by Classic Homes of Appleton, Jerry Haen for Lot 25, Fairway Estates Subdivision.

Referral to Plan Commission

- a) Referred to the Plan Commission the recommendation that height and illumination requirements set forth in section 4-C5 and 4-J2c in a commercially zoned district be amended.

15) Report of Village Officers

- a) President:
 - i) Schneekloth read into the record a letter received from James Merrit. Merrit stated that Dr. Sidney Schulz misled the Board. According to Merrit, Schulz said he looked for other properties on which to locate his dental clinic and that none were available at an affordable price. Merrit said that Schulz's statement was untrue and that had the Board known that the trustees may not have consented to rezoning the property. Milheiser stated that she believes the Board could insist that Schulz construct a berm or fence to shield abutting properties.
 - ii) Schneekloth reported receiving a contact from Mr. Eldred, Lower Cliff Road, is having problems with the drainage from the pond system that developer Schneider has partially constructed in the Windswept Shores subdivisions. Drainage from the ponds is creating a washout under Mr. Eldred's property due to filling in of drainage ditches and diversion of runoff water. There is apparently a broken drain tile running under Lower Cliff which should be carrying runoff into Lake Winnebago. Mr. Eldred is going to wait to see if this situation deteriorates.
 - iii) In regard to accusations by Ron Wenzel, Schneekloth states that he is in clear compliance with rulings by Judge Poppe and that Wenzel's statements are made in the furtherance of his cause.
- b) Clerk/Treasurer
 - i) **Review/approval of Village newsletter:** Corrections to the meetings schedule were noted. Milheiser requested that notifications of changes in the refuse pick-up schedule be publicized as widely as possible.
 - ii) **Report regarding 1999 Audit Report and Letter:** Maxymek reported that she received the draft of the audit and management letter and was in the process of reviewing the document. When asked if they would like Auditor Vickie Wendt to report to them when the final audit is ready, Schneekloth

responded in the negative. The Board will rely on Laux to report to them any issues, which she finds extraordinary.

- iii) **Review/approval of request by Best Advantage Credit Union to deduct \$53.28 in accrued interest from outstanding bill for reimbursement of paving expense: Schneekloth moved to deduct the accrued interest from the outstanding bill. Laux seconded the motion.** Thomson wanted to be clear that past interest only would be written off. If timely payment is not received, interest should be charged. **Motion carried.**
- iv) **Request by Clarence Zahringer and Florian Schmidt for reimbursement of \$100. each in expenses related to attendance at meetings of Calumet County Civic Association: Milheiser moved to reimburse Zahringer only. Laux seconded. Motion carried.**
- v) **Consideration/approval to reverse \$358.31 in charges billed to Decker Properties, Inc., Fairways at High Cliff, for reimbursement of engineering expenditures: Milheiser moved to let the charges stand. Laux seconded. Carried unanimously.**

16) Village Coordinator

- a) **Recommend/approval of employees' requests to extend vacation past one year anniversary: Barribeau moved to extend the time for use of vacation for the two requesting employees. Laux seconded. Motion carried.**
- b) **Recommend/approval of Concept Plan presented by Tracy Royer/representative of Progressive Home to develop Second Addition to Cliffwood Estates:** Van Lieshout reported that Royer brought concept plans for a subdivision containing 21 lots. The engineer suggested that part of the land, which is wetland, be used to create a stormwater detention pond. Royer is requesting that the Village purchase the 5.33 acres required for detention for his costs of \$14,500 per acre. Because he will lose some lots in the process, Royer would also like to receive a credit against stormwater impact fees. King stated that this would mean the taxpayer would be subsidizing development expenses. Schneekloth stated he believed the engineer should be reporting on the interests of the village. **Milheiser moved to table the discussion until after the planning consultants have reported and more information about the stormwater detention plan is gathered. Laux seconded. Tabled**
- c) **Recommend/approval of mower purchase per 2000 TIF Budget Plan:** Van Lieshout reported that mowing time could be cut in half by purchasing and utilizing a wide cut mower. He proposed that \$15,000 of budgeted TIF monies be paid this year with the remaining of \$16,000 to be budgeted in 2001 in the TIF budget. **Milheiser moved to approve the purchase. Laux seconded. On a roll call Barribeau, Beach, Laux, King, Milheiser, Thomson voted aye. Schneekloth voted nay. Motion carried.**

17) Village Attorney

- a) **Recommend approval of Confidentiality Ordinance: After the ordinance was brought forward for a second reading, Barribeau moved to approve. Milheiser seconded. Motion carried.**
- b) **Report regarding completion of contingencies required of Windswept Shores II [pending new information]:** Frassetto reported that another developer is purchasing Windswept Shores II. The purchaser is in contact with the Village Engineer about completing outstanding requirements. He intends to bring in a revised preliminary plat reducing the size of the subdivision by one lot. This will go to the Plan Commission for subdivision review. The new and will try to satisfy drainage requirements.
- c) **Report regarding Petrie/Mustang Acres Redevelopment Agreement [pending new information]:** Frassetto reported that the redevelopment agreement is moving forward. It is in final draft at this time and is in the hands of Petrie's attorney. Mr. Petrie was under the impression that his development costs would be reimbursed immediately upon signing of the agreement. However he was informed that reimbursement will take place, as with previous agreements, over a period of years as the tax increment increases are received by the Village.
- d) **Report regarding Hawkinson compliance with cleanup order:** Frassetto reported that he has been observing the clean-up progress. Of thirty vehicles once stored on the property, fourteen remain. According to the court order, Hawkinson will be able to retain two collector vehicles. Most parts are gone and those that remain are now on pallets and ready to be hauled out. Frassetto has a person lined up to remove and store the remaining vehicles if necessary, but the cost is steep. He is inclined, as long as Hawkinson keeps moving forward on the cleanup, to keep observing the situation, but let Hawkinson do it himself.

8) Village Engineer

- a) **Review Engineer's Report for 2000 road paving projects and schedule public hearing:** In light of the petition asking for the removal of Escarpment Terrace and Palisades Trail from the 2000 street projects, discussion took place about the condition of the road. King stated that tar bubbled up whenever the temperature rose above 70°. Moxon reported there were problems with the previous resurfacing that are causing deterioration. He said the road would need to be reconstructed in the next few years. **Schneekloth moved to accept the Engineer's recommendations as is. Milheiser seconded. The motion carried with King abstaining.**
 - Following discussion regarding pond dredging, Milheiser stated that she would get information before proceeding with any action. **Schneekloth resolved to have the Village Engineer establish the amount of dredging necessary, as well as the cost and other pertinent factors. Thomson resolved that pond ownership should be determined.**
 - In response to a question by Laux regarding the long-range capacity of the Village sewer and water facilities, Rosenbeck responded that the utilities are projected to have the capacity to serve Village needs for twenty years or to a population of 2000.

- In response to questions regarding the concept plan brought forward by Tracy Royer for the Second Addition to Cliffwood Estates, Rosenbeck stated he would report on stormwater detention needs and options for the subdivision.

16) Adjournment: Thomson moved to adjourn at 10:58 p.m. Seconded by Schneekloth. Motion carried.

Village Board Meeting Minutes

July 10, 2000

1 & 2) President D. Schneekloth called the meeting to order at 6:31 p.m. All rose for the Pledge of Allegiance and roll call was taken. The following were in attendance:

William Barribeau	Steven Frassetto, Attorney
Joseph Beach	Richard Moxon, Public Works
Joyce Laux (6:35 p.m.)	Gary Rosenbeck, Engineer
Andrew King	Joshua Van Lieshout, Coordinator
Lynn Milheiser	
Carl Thomson	
Donald Schneekloth	

3) **PUBLIC HEARING:** Regarding an application by J&D Developers to amend the map of Zoning Ordinance #65 the effect of which is to rezone Fairway Estates Subdivision from R-1B to R-1. D. Schneekloth made three calls for public comment at 6:32 p.m., upon the second call Dave Schmalz addressed the Board asking for their acceptance of this zoning amendment for the purpose of front setbacks in this subdivision to change from 30 feet to 25 feet. This public hearing was closed at 6:34 p.m. ***J. Beach moved to wave Village Board Rule 9(a)(i), two readings of the Zoning Amendment. L. Milheiser seconded. M/C unanimously. J. Beach moved to approve Request for Zoning Amendment. D. Schneekloth seconded. M/C unanimously.***

4) **PUBLIC HEARING:** Regarding levy of special assessments upon property for benefits conferred upon the property by the improvement of the asphalt paving. D. Schneekloth made three calls for public comment at 6:35 p.m. Laura Jordan asked the Board why some lots were credited. G. Rosenbeck explained the Village policy of assessing 1st and 2nd layers of asphalt to property owner based on frontage, credits were given to corner lot holders for the shortest frontage, and minimum lot size must be established by the Village Board for cul-du-sac lots. G. Rosenbeck also noted that some lots have been re-divided and asked if Village would like to require review of these situations in the future. L. Jordan asked that her lot (#30 of State Park Estates) be reviewed for frontage. L. Jordan also asked why this cost is being assessed to lot owners and not the entire Village. S. Frassetto explained that the Subdivision Ordinance was a conscious decision by the Board that this would be the method of handling all new roads. S. Frassetto also explained how payment might be attained for these projects. Chris Anderson asked if vacant lots would be assessed also. G. Rosenbeck stated all lot owners will be assessed whether private owner or developer. C. Anderson also stated he felt a fairer way of assessing would be by dividing the cost evenly among total number of lots. Tom Vande Hey asked that the records reflect that he has attached lot 29 of Lakeshore Estates II to lot 30 so that he is only assessed for the one lot. D. Schneekloth closed the public hearing at 6:51 p.m. ***D. Schneekloth moved to determine minimum lot size by using the average standard lot per sub-division for the 2000 street project, and allow for a maximum payment period of 5 years at an interest rate of 1% over borrowing rate. J. Laux seconded. M/C unanimously. D. Schneekloth moved to approve the special assessment list with update of the minimum lot frontage. L. Milheiser seconded. M/C unanimously. D. Schneekloth moved to award the bid to Badger Highway for the 2000 street project at the amount of \$92,515.50. J. Beach seconded. M/C unanimously.***

- 5) **PUBLIC HEARING:** Regarding levy of special assessments upon property for benefits conferred upon the property by the improvement of installation of sanitary sewer, water mains, road improvements and paving. D. Schneekloth made three calls for public comment at 7:04 p.m. No public comment was given. G. Rosenbeck informed the Board that the car wash was the only property owner affected. This public hearing was closed at 7:05 p.m. **L. Milheiser moved to approve the special assessment list. D. Schneekloth seconded. M/C unanimously.**
- 6) **B. Barribeau moved to approve the minutes from June 12, 2000. J. Laux seconded. M/C unanimously.**
- 7) **Registered citizen comments on agenda items**
- Dave Miller – curious as to what work was being done to the ponds. **L. Milheiser moved to change the order of the Agenda to discuss 17(g) Resolve: Determine pond ownership, right after citizen comments were complete. C. Thomson seconded. M/C unanimously.**
 - Steve Little – feels Escarpment Terrace resurfacing for this year is not necessary, other roads in worse repair.
 - Lori King – feels Escarpment Terrace should stay on the schedule for resurfacing this year, road bubbles and tar is being tracked.
 - Frank Schneider – believes pipes under Escarpment Terrace should be televised and viewed prior to any repair work.
 - Harland Zietlow – questions Board as to method of establishing road repair priority. Encouraging the numbering system to be passes.
 - Tom Jack – representing Harrison First Responders, would like to see Board's support toward a \$2300 AUD unit. Agenda item for next meeting.
 - Barb Jack – in favor of fixing portions of Escarpment Terrace that need it, but would like to see streets in worse repair done instead. Requests that Escarpment Terrace come back for discussion on an annual basis until repair is necessary.
 - Tom Vande Hey – to support petition to pave Lakeshore Lane.
 - Rollie Stephenson – petition for Lakeshore Lane.
- 17) f) Resolve: Village Engineer to establish the amount of dredging necessary, as well as the cost and other pertinent factors. [Schneekloth June 12, 2000] – G. Rosenbeck informed Board pond is staked and project is in process.
- 17) g) Resolve: Determine pond ownership. [Thomson June 12, 2000] – S. Frassetto informed Board that law indicates an artificial pond created by means other than modifying a navigable water way remains under the ownership of the riparian owner subject only to any deed restrictions there may be. G. Rosenbeck stated that is a navigable waterway, but unsure if it was at the time the pond was created. This being the case, it is a body of water where the public trust doctrine would apply for the pond. The ownership of area around the pond is held by the Golf Course. **D. Schneekloth moved to acknowledge Laura Johnson. J. Laux seconded. M/C unanimously.** L. Jordon requested clarification of which pond was being discussed. Schneekloth informed her it was the pond to the south of Spring Hill Drive. **L. Milheiser moved to recognize Frank Schneider. C. Thomson seconded. M/C unanimously.** F. Schneider informed the Board that the pond is a navigable waterway, it also holds a private fish hatchery license.

Discussion indicated that if Board elects to work on this pond, approval from the owner would be needed. Who will pay for work on this pond is unknown at this time. Board is waiting for more information on the cost of this project. Possible public hearing regarding this issue will be decided upon further information. **D. Schneekloth moved to recognize Steve Little. L. Milheiser seconded. M/C unanimously.** S. Little feels that the engineering of the ponds needs to be changed.

- 8) **Lakeshore Lane Paving Petition [Barribeau] – B. Barribeau moved to recognize Rollie Stephenson. L. Milheiser seconded. M/C unanimously.** R. Stephenson read and brought forward a petition signed by residents of Lakeshore Lane requesting paving of Lakeshore Lane from State Park Road to Bluffside Court. **B. Barribeau moved to add Lakeshore Lane from Bluffside to State Park Road to the paving for this year if possible. C. Thomson seconded.** G. Rosenbeck informed Board that a similar situation has happened in the past and Board agreed to request contingent upon all lot owners signing a waiver of special assessment and public hearing, and agreeing to pay the full amount up front. **D. Schneekloth moved to recognize Bob Wittmann. B. Barribeau seconded. M/C unanimously.** B. Wittmann clarified that Lakeshore Lane was done in two phases. Lakeshore I was from State Park to Bluffside. **D. Schneekloth moved to recognize Pinky Fuerbringer. B. Barribeau seconded. M/C unanimously.** P. Fuerbringer informed Board that he has documentation, and gave a copy of this to the former Village Coordinator, that states the second layer to be paid by owner. Fuerbringer wanted to know how streets are assessed in the Village. S. Frassetto explained that lot holders are assessed for both the first and second layers of asphalt. G. Rosenbeck reiterated that Village policy is to assess lot owner 100%. **B. Barribeau amended his original motion to include – contingent upon all lot owners signing a waiver of public hearing and special assessment. Seconded by C. Thomson. M/C unanimously.**

B. Barribeau made a motion to move agenda items 16(a), 15(c), and 17(d) & (e) forward. L. Milheiser seconded. M/C unanimously.

- 16) a) Recommendation re. ditch enclosures per Driveway Ordinance #55 Section 4-C
- i) Tom Boll, owner of Lot 14 in Cliffwood Estates – T. Boll informed Board that this is a request to put a drainage pipe between lot 14 and 15 and fill ditch. **B. Barribeau moved to approve the request to install drainage pipe and enclose ditch between lots 14 and 15 of Cliffwood Estates. C. Thomson seconded.** G. Rosenbeck advised Board that approval should be contingent upon the pipe being a minimum of 15” and PVC material, be in accordance to Village standards, and the Village set the grade for the pipe. T. Boll agreed to these conditions. **J. Laux moved to recognize F. Schneider. L. Milheiser seconded. M/C unanimously.** F. Schneider believes that we need to do more to enforce Village ordinances. **B. Barribeau amended his original motion to include – contingent upon pipe being a minimum of 15” and of PVC material, be in accordance to Village standards, and the Village set the grade for the pipe. C. Thomson seconded. M/C unanimously.**
 - ii) Mike Kroiss, W184 Allendale Lane – No action at this time.
- 15 c) Budget Amendment for Emergency Numbering Signs – S. Frassetto informed the Board that a public hearing was not necessary, but a Class 1 Public Notice be published within 10 days of changing the budget. Finance Clerk checked to ensure that account allocation was correct. Upon review, a large portion of what was allocated to the Village fund

needed to be allocated to other funds. It is not expected that there will be a surplus in this account. Board asked if money was available in the unreserved funds. It is believed that there would be enough money for this project. **B. Barribeau moved to acknowledge Barb Jack. J. Laux seconded. M/C unanimously.** B. Jack stated that the cost of the numbering system is approximately \$10 per sign and there are approximately 600 residences, so only an estimated \$6,000 would be necessary. **L. Milheiser moved to transfer money from the unreserved funds for the numbering project. B. Barribeau seconded. M/C unanimously by roll call vote.** The process of ordering and distributing of the signs will be handled administratively through the Village office. The cost of the signs will be included into the building permit fee for all new homes.

- 17) d) Resolve: Village Attorney to draw up friendly resolution to the Wenzel/Schneekloth right-of-way dispute [Barribeau June 12, 2000] – S. Frassetto reviewed the documentation provided by R. Wenzel and D. Schneekloth, and also spoke with Bruce Chudekoff. The area that is within the road right of way would be under the control of the Village. L. Milheiser stated if this issue can't be resolved amiably between parties, that curb & gutter along with paving be scheduled for 2001 so this issue can be resolved.
- c) Resolve: Discussion/action re. removal of Escarpment Terrace from the 2000 road reconstruction projects. [Barribeau June 12, 2000] – **B. Barribeau moved to remove Escarpment Terrace from the 2000 paving list, but repair section near the King's residence, and put Escarpment Terrace first on the list of streets to be completed in 2001. J. Laux seconded.** Discussion regarding the condition of Escarpment Terrace was discussed. G. Rosenbeck informed the Board that a schedule was developed to prioritize streets in need of resurfacing. The need to resurface this street is necessary do to the chip and seal work that was done and was ineffective. Rosenbeck also informed the Board that the pipes in this area were televised in 1994. **Motion failed by roll call vote. [Barribeau, aye; King, abstained]**

9) Consent Agenda

- a) Approval of Licenses – **L. Milheiser moved to separate action on Kristine Degener application. D. Schneekloth seconded. M/C unanimously. L. Milheiser moved to deny operator license to applicant Kristine Degener. D. Schneekloth seconded. M/C unanimously.**
- i) Recommend approval of new Operator's License:
- (1) Sarah K. Deeley
 - (2) Jennifer L. Vollmer
 - (3) Stephanie Major
- L. Milheiser moved to approve all new operator license applicants. B. Barribeau seconded. M/C unanimously.**
- ii) Recommend approval of renewal Operator's License
- (1) Shirley M. Jacobs
 - (3) Tami D. Verhagen
 - (4) Leroy T Spencer
 - (5) Eugene O. Mauer
 - (6) Kelly J Baumann/Romenesko
 - (7) Ralph C. Probst [pending record clearance]
 - (8) Carol J. Luniak [pending record clearance]
 - (9) Michael Kieffer [pending record clearance]
 - (10) Jeanne M. Zettler [pending record clearance]

L. Milheiser moved to approve renewal operator license applicants 1 and 3-6, and also to approve, contingent upon no criminal record, applicants 7-10. D. Schneekloth seconded. M/C unanimously.

iii) Recommend Approval of Temporary Class B Retailer's License

(1) St John Sacred Heart Parish

L. Milheiser moved to approve temporary Class B license to St. John-Sacred Heart Parish. D. Schneekloth seconded. M/C unanimously.

- b) Review of Accounts Payable – Finance Clerk noted that three bills totaling \$1863.99 would bring their individual line items over budget and required approval for payment from the Board. ***D. Schneekloth moved to approve payment of bills totaling \$1863.99 and money to be transferred from the unreserved funds for corresponding amount. L. Milheiser seconded. M/C unanimously.***
- c) Review of Finance Report – for review only.

10) Report of the PRUT Board

- a) TIF Park grading contract award – ***C. Thomson moved to award the contract for the TIF park grading to R & R Wash Materials in the amount of \$68,583. D. Schneekloth seconded. M/C unanimously.***
- b) Sherwood Lions Football Request – Program director requests the approval to remove the baseball fencing and plant trees strategically at the Legion Park. This project would be fully funded by the Football Program. Board requests a written proposal from the Football Program. *Agenda item for the next meeting.*
- c) Approval of Village Trail Map – ***D. Schneekloth moved to approve the Village Trail Map. A. King seconded.*** J. Van Lieshout informed Board that there is a discrepancy between the Plan Commission Minutes and Coordinators records regarding the section of trail to the west of Stommel Road. ***D. Schneekloth amended his motion to include – upon clarification of the trail to the west of Stommel Road. J. Beach stated that trails should be designated within the Village right of way. M/C unanimously.***

11) Report of Plan Commission

- a) Approval of Request of Zoning – Completed earlier
- b) Approval of Village Trail Map – Completed earlier
- c) Approval of CSMs Vacating Lot Lines – ***D. Schneekloth moved to approve CSMs. J. Laux seconded.*** J. Beach concerned about lose of tax money. D. Schneekloth stated that the Board set a precedent with the approval of vacating lot lines in Windswept Shores. ***D. Schneekloth moved to recognize Bob Wittmann. L. Milheiser seconded. M/C unanimously.*** B. Wittmann stated these CSMs would allow for more green space. It was noted that one CSM will allow improvements to an outlot which would otherwise be unbuildable and will increase tax base. ***M/C unanimously.***

12) Report of Utility Commission

- a) Recommendation to Plan Commission – No action needed by Board.
- b) Amendment to Fire Protection Agreement – ***L. Milheiser moved to approve amendment to Fire Protection Agreement. B. Barribeau seconded.*** Discussion regarding the purpose of amendment. L. Milheiser informed Board that PSC mandates all unmetered water to be tracked. Discussion regarding the billing of unmetered water to Harrison. ***M/C with Beach voting nay.*** J. Van Lieshout to negotiate amendment with Harrison.

13) Report of Village Officers

- a) President – No Report
- b) Clerk/Treasurer – No Report

14) Village Coordinator – No Report

15) Village Attorney

- a) Report regarding Petrie/Mustang Acres Redevelopment Agreement [pending new information] – S. Frassetto stated agreement is complete, waiting for Petrie's agents to respond.
- b) Report regarding Hawkinson compliance with cleanup order – S. Frassetto reports that Hawkinson is not in compliance of court order, though a number of items have been removed. Village requested penalties of \$6800 in legal fees. Judge has withheld granting order for 30 days from June 18, 2000 if not in complete compliance, he would then issue his decision. If he is not in compliance at that time, the Village would need to decide if we haul the remainder of what is not allowed off his property.

16) Village Engineer

- a) Report regarding Concept Plan for the Second Addition to Cliffwood Estates – **D. Schneekloth motion of order to bring this item from the table. J. Laux seconded. M/C unanimously.** G. Rosenbeck encouraged the Board to acquire the 4.45 acres of land for storm water management. J. Van Lieshout informed the Board that an appraisal would be necessary for purchase. An appraisal was estimated to cost approximately \$1000-\$2000. Van Lieshout requested approval from the Board to allow the cost of the appraisal be taken from the TIF budget. **D. Schneekloth moved to allow \$1000 from TIF money for appraisal of the 4.45 acres on Clifton Road. J. Laux seconded. M/C unanimously.**
- b) Request regarding confirmation to complete engineering of Pigeon Road Reconstruction Project – Requested confirmation from the Board as to the schedule of this project received from Village Coordinator. Board asked if it were possible to begin the reconstruction this year and let the road stay gravel and settle over the winter and spring season? Board request that a report regarding possible start of this project be brought to the next meeting.
- c) Request a point of clarification – Questa Court not on the 2000 schedule. There was no objection voiced at the public hearing, but a signed waiver of special assessment would be necessary. Discussion regarding the feasibility of paving prior to schedule. **C. Thomson moved to amend motion made on agenda item #4 to remove Questa Court from the project list and budget for 2001. D. Schneekloth seconded. M/C unanimously.**

17) Unfinished Business from Previous Village Board Meeting

- a) Resolve: To amend Street Signs Ordinance #49 to include:
 - i) Lake Breeze Drive and Cliffview Drive (4-way [Beach June 12, 2000])
 - ii) Stumpf Avenue and Meehl Street (3-way) [King June 12, 2000]
 - iii) Margaret Court and Leslie Street (3-way) [Beach June 12, 2000]
 - b) Resolve: To amend the Speed Limit Ordinance #41 to reduce speed limits to include:
 - i) Stumpf Avenue from 25 mph to 15 mph [King June 12, 2000]
 - ii) Margaret Court from 25 mph to 15 mph [Milheiser June 12, 2000]
- D. Schneekloth moved to approve all sign amendments. B. Barribeau seconded. M/C unanimously.**

- d) Resolve: Installation of yellow and black Children at Play signs on Springhill Dr. [Schneekloth June 12, 2000] – Directed Public Works to install these signs.

18) Presentation of correspondence, resolutions, and related matters

- a) Resignation of Public Works Supervisor – Discussed possible advertisement of open position. Agenda item for next meeting.

Resolve: Windswept Shores II lots for sale without an approved plat. [Schneekloth] S. Frassetto reports that Schneider is reported to be selling the entire project to Mike Krueger. He states that, because Windswept Shores II Final Plat has not been approved, lots are unplatted and cannot be sold. Frassetto reported receiving a call from a realtor who stated that an escrow closing was imminent on a Windswept Shores II lot sale. In answer to that inquiry he conveyed appropriate information as stated above. He further states that he has told Krueger that he must present an acceptable drainage plan to the Village Board for approval. He told Krueger that the Village Engineer stands ready to offers suggestions for an acceptable plan submission.

Resolve: Bond required from developers [Beach]

C. Thomson discussed the issue of one meeting a month. Thomson feels that one month is too long for constituents to wait for answers from the Board. Van Lieshout feels monthly meeting is best for administrative staff. Schneekloth advises directing residents to Village Coordinator for response to requests.

Resolve: Future building permits to include fee for new numbering signs [King]

B. Barribeau moved to meet for closed session on July 25th at 8:00 p.m. after the Board of Review. D. Schneekloth seconded. M/C unanimously.

Resolve: Meet 1 time per month for another 2 months (ending September) [Schneekloth]

Resolve: Discrepancy of 20 feet in Emergency Numbering Ordinance and understood 40 feet [Beach]

19) D. Schneekloth moved to adjourn at 10:20 p.m. B. Barribeau seconded. M/C unanimously.

Minutes prepared by

Lisa M. Lau, Finance Clerk
For Ellen Maxymek, Village Clerk/Treasurer

Village Board Meeting Minutes

July 25, 2000

- 1) Call to Order and Roll Call: The meeting was called to order at 8:05 p.m. Roll was called as follows: **Present**

Bill Barribeau
Joe Beach
Andy King
Joyce Laux
Lynn Milheiser
Don Schneekloth
Carl Thomson

Others Present

Ellen Maxymek, Clerk
Josh Van Lieshout, Coordinator

- 2) Pledge of Allegiance

- 3) **Approval of Minutes: Schneekloth moved to approve the minutes of the July 10, 2000 meeting. Thomson seconded. Motion carried with the following clarifications or corrections:**

- Beach stated that during the June 12, 2000 meeting discussion regarding the Emergency Numbering Ordinance he asked for clarification as to the maximum front setback before a numbering sign is allowed to be placed above or on the side of the main entrance door. He said that a Trustee incorrectly stated that the provision is a 40foot maximum setback. He asked to have the minutes of the July 10, 2000 corrected as follows ***Resolve: Clerk to review the transcript of the June 12, 2000 meeting to determine if the outcome of the vote regarding emergency numbering signs would be affected if the setback were correctly stated as 20 feet.***
- Beach asked to have the comments by the Village Attorney and Engineer regarding the pond on Springhill Drive and its impact on the Village storm water detention system made during the meeting of June 12, 2000. The minutes of July 10, 2000 are corrected as follows: ***Resolve: Clerk to review the transcript of the June 12, 2000 meeting and record comments made by the Village Attorney and Village Engineer regarding the pond on Springhill Drive and its impact on the Village storm water detention system.***
- Schneekloth requested that comments by the Village Attorney regarding whether Windswept Shores II lots can be sold without an approved plat made during the July 10, 2000 meeting should be recorded. The minutes are amplified as follows: ***He states that, because Windswept Shores II Final Plat has not been approved, lots are unplatted and cannot be sold. Frassetto reported receiving a call from a realtor who stated that an escrow closing was imminent on a Windswept Shores II lot sale. In answer to that inquiry he conveyed appropriate information as stated above. He further states that he has told Krueger that he must present an acceptable drainage plan to the Village Board for approval. He told Krueger that the Village Engineer stands ready to offers suggestions for an acceptable plan submission.***

- 4) **Recommend approval of Corporate Resolution to authorized withdrawals/liquidation of tax deferred investments in the account of Richard Moxon** – Van Lieshout reported that such resolution was required before withdrawals on his tax deferred investments can be made

by Moxon. **Barribeau moved to approve the Resolution. Milheiser seconded. Motion carried.**

- 5) **Schneekloth made a motion at 8:17 p.m. to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Laux seconded. Motion carried.**

Schneekloth moved to return to open session at 8:45 p.m. Milheiser seconded. Motion carried.

Schneekloth moved to request the Village Attorney to develop a one-year agreement/contract for Coordinator services. Following development of this contract Attorney Frassetto is to bring the contract before the Board for approval. Thomson seconded. Motion carried.

Following a question by Milheiser, Van Lieshout reported that he has decided to move Bill Diedrick into the position of Public Works Supervisor following the retirement of Rich Moxon. Interviews to fill the position of Public Works Operator are ongoing with no decision on the final candidate at this time.

- 6) **Adjournment – Schneekloth moved to adjourn at 8:47 p.m. Thomson seconded. Motion carried.**

Special Village Board Meeting Minutes

August 28, 2000

- 1) Call to Order and Roll Call – The meeting was called to order at 6:30 p.m. by Chairman Schneekloth. Roll was called as follows:

Present

William Barribeau
Joseph Beach
Joyce Laux
Andrew King
Lynn Milheiser
Donald Schneekloth
Carl Thomson

Others Present

Steven Frassetto, Attorney
Ellen Maxymek, Clerk
Josh Van Lieshout, Coordinator
Gary Rosenbeck, Engineer

- 2) Pledge of Allegiance
- 3) **PUBLIC HEARING regarding authorizing public improvements and levying special assessment against benefited property in the Village of Sherwood (Meadowcliff Estates sanitary sewer and water main system improvements):** Engineer Rosenbeck stated that Meadowcliff Estates Condominiums have long experienced difficulties with their sanitary sewer and water systems due to inadequate design and construction. The Village disputed claims by the condominium owners that maintenance was the responsibility of the Village Utility since the system was never approved or accepted by the Village. After repeated expensive repairs the owners association approached the Utility Commission to share in the cost of reconstruction of the system. The commission agreed to undertake the reconstruction project and special assess the condominium unit owners for one-half of the cost to a maximum of \$55,000. Rosenbeck pointed out that the special assessment had the potential for declining from the \$1,833.33 noticed, to a low in the range of the \$1,625 per unit.

Schneekloth made three calls for comment and thereafter closed the public hearing.

- **Recommend approval of Resolution 00-07 a Final Resolution authorizing public improvements and levying special assessment against benefited property in the Village of Sherwood (Meadowcliff Estates sanitary sewer and water main system improvements) – Schneekloth moved to approve Final Resolution 00-07. Milheiser seconded.** King inquired what will happen if similar difficulties arise in the future. Rosenbeck stated that the Village will accept the system up to the curb boxes and will be responsible for service and maintenance of same. The condo owners/owners association will have responsibility from the curb boxes to and in the units. *The motion carried unanimously.*
- **Recommend approval of installment payment privileges – Milheiser moved to approve a five (5) year installment payment privilege at a interest rate of 1.0% per annum over the Village's borrowing rate according to the Installment Payment Privileges Notice. Schneekloth seconded. The motion carried unanimously.**

- 4) **Approval of Minutes – Action was deferred to next meeting.**

5) Registered citizen comments on agenda items

- Florentina Nichols, N7730 Sundown Ct., re. #9a. Stated that algae growth and odor of the Springhill Pond indicated the pond was stagnant and ecologically out of balance. Therefore,

she stated, the pond is a potential health hazard since it is a breeding area for mosquitoes that spread disease. Her experiences while living in another state, an area with many ponds, indicated that remediation now will be less costly than later.

- John Zigament, W4794 Questa Ct., re. #10a. Stated his support of early paving of Questa Ct. and asked the Board to approve paving in 2000.
- Kara Zigament, W4794 Questa Ct., re. #10a. Stated her support of paving Questa Court in 2000.
- John Zigament, proxy for Deb VanStraten, N7819 Cliffwood Dr., re. #10a.. Read VanStraten letter supporting paving of Questa Ct.
- Doug Knutson, W4858 Spring Hill Dr., re. #9a. Spoke in support of removal of Springhill Pond sediment.
- Dennis Allar, W4857 Springhill Dr., re. #9a. Stated that Springhill Pond is a health hazard to the entire Village and that remediation would be of benefit to the Village as a whole.

6) Report of Village Officers

a) President

b) Clerk/Treasurer

- i) **Approval of appointment of Carol Solberg as Election Inspector – *Barribeau moved to approve the appointment. Milheiser seconded. Motion carried unanimously.***

7) Village Engineer

- a) **Recommend awarding Contract S017-90496.02 to the low bidder, Advance Construction, in the amount of \$98,919.80 to construct Meadowcliff Estates Sanitary Sewer & Water Main System – *Barribeau moved to approve the contract award. Milheiser seconded. Motion carried unanimously.***

8) Village Coordinator

- a) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting – ***So recommended.***

9) Village Attorney

- a) **Report deferred from Aug. 14 Village Board Meeting regarding Spring Hill Pond. Presenting review of legal issues –** Attorney Frassetto stated that after research he has concluded that the riparian owner, High Cliff Golf Course, is the owner of the pond bed. Since the pond when built was an expansion of a navigable stream, the water flow is in public trust and is under the jurisdiction of the State of Wisconsin. Any sizable undertaking would require Chapter 30 permitting by the DNR. He stated that he has made contacts, thus far unreturned, with the DNR to investigate solutions they may be prepared to provide. Frassetto further commented that nutrient runoff from agricultural fertilizer was common in this area. Resultant algae and vegetation growth tended to choke off oxygen in the pond, leading to decay, noticeable as odor especially in hot weather. Similar conditions are frequently found in the waters of Lake Winnebago.
- Schneekloth stated that due to questions arising from concerned citizens such as Miller, the Village ordered an engineer study of pond depth and sedimentation level. That study contradicted hearsay information used by some parties to establish a rationale for costly

remediation, ie. that the pond was originally constructed to a depth of over 20 feet and silted in to a depth of 4 feet. The study report is a matter of public record on file in the Village office for those who would like to read it.

- Engineer Rosenbeck reported that McMahon & Associates performed a study of the pond at the request of the trustees. Pond depth was probed to its gravel bottom at grid intervals of 50 feet. The greatest depth of the pond was found to be 8 feet. Since these findings did not support commonly held notions, Rosenbeck stated he contacted the contractor who dug the pond. He confirmed the depth to originally have been dug to “about that [eight foot] depth”. Sediment levels averaged 1 foot in depth, although in some places was 1 ½ feet deep. Sedimentation volume calculated to 50,000 cubic feet. A cost to drain, dredge and dispose of the spoils was estimated at \$190,000. Thomson questioned the study, saying he didn’t think the crew taking the measurements used long enough probes. Rosenbeck responded that the measurement equipment was long enough to probe 25 feet down but that the crew never had to extend the equipment to its full length because the maximum depth turned out to be 8 feet. Barribeau quoted the report statement that the pond sedimentation is “septic in nature”, asking if septic referred to sewage. Rosenbeck stated septic can mean the breakdown of any organic matter including leaves.
- ***Schneekloth moved to give the floor to Ron Engman. Laux seconded. Motion carried.*** Engman stated that the pond has been dredged twice in the past and that Frank Schneider holds a fish hatchery license for the pond. Schneekloth responded that the State of Wisconsin is responsible for licensing and supervision of fish hatcheries.
- ***Schneekloth moved to give the floor to Dave Miller. Thomson seconded. Motion carried.*** Miller stated his observation that since State Highway 55/114 was reconstructed storm water runoff from that area was more voluminous than before. During heavy rains the waterway runs with muddy water. He further stated that he believes, due to it’s configuration that the pond was designed and constructed to provide storm water detention.
- Beach requested that the engineer address the question of the pond capacity for detention. Engineer Rosenbeck responded that the Springhill Pond did not have much detention capability and was not an essential part of the storm water drainage system. The most important characteristic in terms of detention is the amount of freeboard area above the normal water pool level. It is that area which fills during a rainfall and drains downstream in a controlled manner. While, Rosenbeck stated, undoubtedly Springhill pond has some detention capacity, it is not enough to accommodate the need of the Village. He stated that he has strongly recommended that the Village move forward with construction of a detention pond system built upstream of the Springhill pond and which would handle runoff from 114/55 and the surrounding area. Thomson stated he finds it hard to believe that the pond doesn’t have a great capacity for detention purposes. He stated that the dam is an outlet for storm water and reiterates that the Springhill pond is, in his opinion, a detention pond.
- ***Laux moved to recognize Florentina Nicols. Milheiser seconded. Motion carried.*** Nicols asked if an upstream detention pond system would resolve the problems she believes exist with the pond. Frassetto stated that the Village is presently exploring potential solutions through the DNR. Nicols stated that aeration systems were successfully used in the city in which she previously resided.

- ***Barribeau moved to give the floor to Shaffi Hossain. Milheiser seconded. Motion carried.*** Hossain asked who was going to do something about the health problem. He stated that the Village is responsible to force High Cliff Golf Course to take cleanup action. Frassetto stated that the Village first must determine if the pond is in fact a health hazard. Beach requested that, after receiving information regarding these issues, the Coordinator write a letter to the property owner [regarding cleanup].
- ***Schneekloth moved to recognize Dave Miller. Milheiser seconded. Motion carried.*** Miller asked for assurance that the Village will follow-up on the pond issues raised.
- ***Barribeau moved to recognize Doug Knutson. Schneekloth seconded. Motion carried.*** Knutson asked if the pond issue will remain on the agenda for future meetings. Schneekloth stated that issues remain on the agenda as unfinished business and are addressed as new information is available. He said, however, that the trustees cannot make assurances about when information necessary to make informed decisions will be forthcoming.

10) Unfinished Business from Previous Village Board Meeting

- a) **Reintroduction of Question Previously Considered: Property owners petition to pay for paving Questa Court in 2000. [Barribeau: Reconsideration of matter decided July 10, 2000][Tabled: Schneekloth August 14, 2000]** – Schneekloth asked if High Cliff Recreation Plat back-lots abutting Questa Court are developable. Van Lieshout replied that he has initially determined there are two legal non-conforming lots, created before adoption of the zoning code, that are not restricted from building. The other back-lots are deed restricted. He stated that the inquiry he received regarding building on an un-restricted lot was investigative only. When asked by Beach if the lots are assessable Van Lieshout replied that he will need to review the assessment policy to determine that issue. Frassetto stated that if lots front on the road right-of-way and benefit from public improvements, they are, in his opinion, assessable. Restricted lots are not assessable. There may be legal issues involved if assumed restrictions against building on the back-lots, as represented to the Village by the owner were not verified before approval of Questa Court subdivision. The developer may be determined to have incurred loss if he put in infrastructure then priced and sold lots without awareness that unrestricted lots might in the future be developed without having to share in the cost of the infrastructure.

Schneekloth moved to give the floor to John Zigament. Laux seconded. Motion carried. Zigament requested and received clarification regarding owner sharing in the cost of public improvements by which they are benefited.

Rosenbeck stated that the developer historically represented the back-lots as deed restricted non-buildable lots. He stated that the Village should resolve issues of buildability before further considering paving. If lots can be developed it would necessitate digging up the road base to install water, sewer and drainage facilities. Rosenbeck stated he does not have a problem with paving of Questa Court when the road has settled for three years, but he thinks the question of developability must be resolved first.

Developer Krueger stated that it was common knowledge that there would be no development on the south side of Questa Court. He priced and sold his lots with that

representation to the buyers. If the Village sets a precedent and approves one building permit others will follow and nothing but problems will ensue. As a developer he can't make representations to his lot purchasers only to have it change in a few years. From his point of view he will fight any attempt to issue a building permit or build on those lots which were represented as restricted.

Thomson asked what is the legal answer to whether the lots are buildable. Frassetto stated that the Board is trying now to work through the legal implications. At this point, he continued, he has concern that the owner/s of the back lot may be able to build on the property without having to participate in payment for the cost of the infrastructure. Additionally, there is potential for damage to the existing facilities in the process of providing services to and constructing homes on the back-lots.

King stated that this whole discussion [of the back-lots] was not on the agenda and it is improper to continue it without giving other concerned parties opportunity for input.

Robert Goehring, Questa Court property owner stated that the whole matter wouldn't be an issue if Krueger had not put in the street and subdivision. He commented that property values will fall if the other side of the street is opened to building.

John Zigament asked what he can do to bring the matter to resolution. Beach suggested he ask the property owner to make a written statement that he has no intent to develop his back-lot. Krueger stated that if anyone tries to develop on the south side of Questa he will immediately start litigation. Zigament inquired whether the Zoning Administrator has made a disposition on the development of the lots. Van Lieshout responded that at this point in time if a property owner put forth an application for zoning permit he has no basis to deny. He reminded that his zoning decisions are subject to appeal to the Zoning Board of Appeals and there are other steps in the zoning permitting process such as requiring a drainage plan and request to the Utility Commission for laterals. He said that Questa Court property owners may best serve their own interests by asking themselves whether they want to pay for paving now with the risk that it might be cut up in the near future. Krueger responded that the road could be bored to put in sewer/water.

Rosenbeck stated that the main question is; did the Plan Commission error by not verifying the presence of deed restrictions represented to them by the owner of property sold to developer Krueger. Did Krueger error in passing on to lot purchasers the representations made to him by the seller. He reiterated that these issues need to be resolved now before going forward.

Barribeau stated he doesn't see a difference whether the street is paved now or next year. Rosenbeck said that the difference is that if the lots are buildable the Village has the responsibility to install necessary utilities and to special assess the property owners for those improvements before the street is paved [to avoid future failure].

Schneekloth moved to lay on the table the matter of property owners petition to pay for paving Questa Court in 2000 until additional information was available. Beach seconded. On a roll call, Beach, Laux, King, Schneekloth voted aye. Barribeau, Milheiser, Thomson voted nay. Motion carried. Zigament questioned whether King had a conflict of interest in the vote. King stated there was no conflict but requested clarification on the point from

Attorney Frassetto. Frassetto stated the action was to lay the matter on the table and that a vote by King did not constitute a conflict in his opinion.

- *Schneekloth moved to go into closed session per State Statute 19.85(1)(e) as stated above at 7:55 p.m. Beach seconded. Motion carried unanimously.*
- *Schneekloth moved to return to open session at 8:32 p.m. Milheiser seconded. Motion carried unanimously.*

11) Presentation of correspondence, resolutions, and related matters - None

12) Adjournment – Schneekloth move to adjourn at 8:32 p.m. Milheiser seconded. Motion carried unanimously.

Village Board Meeting Minutes September 11, 2000

1) Call to Order and Roll Call – The meeting was called to order at 6:30 p.m. and roll was called:

Present

Bill Barribeau
Joe Beach
Andy King
Lynn Milheiser
Carl Thomson
Don Schneekloth

Absent

Joyce Laux

Others Present

Steve Frassetto, Village Attorney
Bill Diedrick, Public Works Dept.
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk

2) Pledge of Allegiance

3) Approval of Minutes: *Beach moved to approve the minutes of the August 14, 2000 and August 28, 2000 meetings. Barribeau seconded. 6 aye, 0 nay, Motion carried.*

4) Registered citizen comments on agenda items

- David J. Petrie, N7986 Stommel Road – Objects to the publication of “dirty laundry” regarding the Springhill Pond. Petrie said that it gives the incorrect impression to the general public that all ponds in the Village are dirty. Schneekloth stated that these statements were made in open session and that the news reporters were able to report their observations. He noted, however, that he regretted the negative view portrayed.
- Tom Doughman, 4816 Springhill Drive – 12d Asked if his backlot is going to be zoned differently or if building restrictions will be changed. If so it will affect the assessment of his property and may change his future plans.
- Paula Heid, W4824 Springhill Drive – 12d
- Carol Carlson, W4800 Springhill Drive – 12d
- Marie and Bill Zimmerman, W4808 Springhill Drive – 12d
- Dave VanElzen, et. al, - 12b

5) Consent Agenda

- a) Approval of Licenses
 - i) Review/Approval of Operator’s License
 - (1) Theresa J. Reiter
 - (2) Tim C. Spencer
 - (3) Tamara Thiel

Milheiser moved to approve the application of Theresa J. Reiter pending certification of completion of required Responsible Server Course. Barribeau seconded. 6 aye, 0 nay, Motion carried. Milheiser moved to deny approval of the applications of Tim C. Spencer and Tamara Thiel based on records received from the Wisconsin Department of Justice. Schneekloth seconded. Schneekloth commented that the Thiel application included misdemeanor convictions from 4-5 years ago. Milheiser stated that this application was previously denied by the Board. Frassetto restated from his letter that the board can deny if, in their judgement, the history “substantially related to” the licensed activity. 4 aye, 0 nay, Schneekloth and Beach abstained. Motion carried.

6) Report of PRUT Board

Items for Action

- a) Strongly recommended approval of PRUT program of dance/baton/pom-pon classes for youths aged 4-12 in 2000-2001 – **Schneekloth moved to approve. Second by Beach.** In answer to a question by Milheiser, Lisa Sheppard, presenter of the program at the request of the PRUT Board, stated that the program was scheduled for implementation in the Community Center because the Recreation Center is tightly booked. Schneekloth questioned whether the Village is supporting a private enterprise. He also questioned the participation level in the community. Sheppard reported she expected the program to start small but expects as the program gets going to have 40-50 participants. **Motion carried on a voice vote.**
- b) Recommended approval of health and fitness program administered by Fox Valley Technical College including rental agreement – **Schneekloth moved to approve. Thomson seconded.** Colleen Schnell, of FVTC presented an overview of the program. The rental agreement would pay \$15.00 per hour and would generate \$150.00 per 10 week class. If participation falls below 10-15 persons however the class will be cancelled. Char Barribeau **5 aye, 0 nay, Barribeau abstained. Motion carried.**
- c) Recommended approval of preliminary 2001 budget – Action deferred.

For Information Only

- No replies received to request for tree planting bids. Coordinator will let bid request notices in January 2001
- Reported Phase I of TIF Park development nearing completion
- Approved by consensus the name Wanick Park (TIF) in honor of the peaceful Winnebago chief and leader Redbird. Further recommended that an explanatory plaque be mounted with signage.
- Reported milled asphalt has been laid onto State Park Road Trail to point of intersection with Butterfly Ponds trail
- Coordinator to apply for Stewardship Grant for trail development funding during the 2001 application cycle

7) Report of Utility Commission – No action was taken.

Action Items

- a) Waived \$560.39 in interest charges to Meadowcliff for 1998 repair bills.
- b) Second step of water rate increase to go into effect October 1, 2000.
- c) Tabled customers' request for direct debit services for utility bills; not financially feasible.
- d) Approved utilities' responsibility for resident pressure-reducing valves for customers whose pressure will fall outside of State requirement of 20-100 psi.
- e) Approved policy when resident has a damaged curb box. Office will notify customer that they have 30 days to repair. If resident does not repair within that time frame, utility employees will contract repair service and bill customer on utility bill.
- f) Recommend Advanced Construction be awarded the contract with a bid of \$98,919.80 for Meadowcliff Estates.
- g) Approved adoption of a sewer policy requiring sanitary sewer service to any property/ lot be contiguous to the public system in a dedicated public right-of-way.
- h) Approved sewer extension/relocation of manhole on Pigeon Road prior to reconstruction in 2001. Notice to be sent to property owners notifying them of their ability to extend sewer service, but completion must occur prior to April 1, 2001.
- i) Tabled customers' request for summer sewer credit; not financial feasible.
- j) Approved T. Woller request for unpaid leave in October 2000.

For Information Only

- More diagnostic information should be gathered on Well #5 start up system to determine if upgrade is necessary.
- Water tower needs electrical work done, water to be put in, and water chlorinated. Tower should be online by September 15, 2000.
- Village Coordinator to draft an agreement to reflect both Village and Town desires [re. fire protection agreement].

8) Report of Village Officers

- a) **President** – Schneekloth sought and received consensus agreement to sign continuing agreement to receive Jaws of Life services from Kaukauna Fire Department. Beach requested that Frassetto look into a method of reimbursement for Jaws of Life services that might be incurred.
- b) Schneekloth reported on a meeting with Allison Blackmer, Town of Harrison, and Joe Hennlich, High Cliff State Park. The Town does not have budget to reconstruct Pigeon Road in the foreseeable future but seems willing to support Village efforts in this regard. The State Park is unwilling to have High Cliff Road reopened at its south end unless the Village will fund an entrance facility at that end.

9) Clerk/Treasurer

- a) Recommend approval of Resolution 00-08 implementation of 1999 Audit Management Letter – *Schneekloth moved to approve. Beach seconded. Motion carried.*
- b) Recommend approval to terminate High Cliff Cemetery Perpetual Care Funds, the money to be transferred to the General Fund – *Beach moved to approve. Schneekloth seconded. Motion carried.*
- c) Recommend approval of change to Special Assessment Policy to provide for billing through the tax roll – *Schneekloth moved. Barribeau seconded. Milheiser suggested that the one remaining year on the Hwy 114/55 be special assessed as in the past. Motion carried.*
- d) Review cost estimate and approval of fall clean-up – *Milheiser moved to approve. Barribeau seconded. Schneekloth stated that specialized items should be paid and tagged for pick-up as per Board action in February. Motion carried.*
- e) Review of Financial Reports – *No action required.*
- f) Approve accounts payables invoices above budget limits – *Milheiser moved to approve. Barribeau seconded. Motion carried.*
- g) Review/approval of newsletter – *Schneekloth moved to approve with additions to be made at administrative level to include information on activities approved at this meeting, ie. FVTC Fitness classes to begin; dance classes for youth to begin; tagged special item and Fall Clean-up to take place. Milheiser seconded. Motion carried.*

10) Village Coordinator

- a) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. ***So recommended.***
- b) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. ***So recommended.***
- c) Discussion of TIF Park Improvement Plan – Beach recommended completion of the park with an eye to all football and soccer activities moved to the new park. Beach requested that the Coordinator obtains plans for the pavilion at American Legion Community Park from Woodville Contractors, and obtain estimate of the cost to duplicate from Village Engineers.
- d) Recommend action re. ditch enclosures per Driveway Ordinance #55 Section 4-C Mike Kroiss, W184 Allen Dale Lane [August 14, 2000] – ***Milheiser moved to require the property owner to remove fill and return the ditch to its drainage use per the ordinance within a 45 day period. King seconded. Motion carried.***
- e) Response to question posed at previous meetings:
 - i) Can TIF be used for trail/pathway development? Van Lieshout stated that TIF money can be spent for trail development.
 - ii) By what date must all projects be completed in order to be TIF eligible? Project completion date is September 30, 2002 reported Van Lieshout.
 - iii) What happens to unspent TIF proceeds / TIF bond revenue? Coordinator stated that these unspent proceeds would then be spent to pay off TIF debt principal.
 - iv) Are lots 41-1 and 40-1 assessable? Coordinator stated these two lots are legal, non-conforming, buildable lots and as such are special assessable for improvements.

11) Village Attorney

- a) Report re. Petrie/Mustang Acres Redevelopment Agreement [pending new information] – Frassetto reported that the final redevelopment agreement is completed. The final numbers have been stated in the agreements. Roger Teske, Village Engineer has given approval to the pond development. Van Lieshout stated that a final walk through about a month ago. Frassetto will confirm that the engineer has approved all improvements and adjust the agreement accordingly. ***Schneekloth moved to approve the agreement contingent upon engineering approval. Milheiser seconded. Motion carried.***
- b) Review draft amendment to Subdivision Ordinance #38 to require developers to provide bond, bank letter of credit, or cash escrow – Frassetto presented and explained the sample agreement/ordinance. He was requested to return with a specific text amendment in draft for review/approval.

Beach requested and received an update regarding the Hawkinson cleanup progress. Frassetto reported that he and the Coordinator have hired a person to move the remainder of the items to the land that Hawkinson has been using for storage. He will work out a written agreement that the Village will not be charged for the storage, or that if we are charged it will be reimbursable.

12) Village Engineer

- a) Recommendation regarding request for payment of \$45,000 for installing over-size sewer line along Lakeshore Lane and Natures Way Drive. In Lieu of payment Lakeshore Estates requests the Village to pay for extension of Natures Way Drive to intersect with future Creekside Drive – Van Lieshout stated that, per the engineer letter, extension of Natures Way Drive is estimated to cost \$75,000. **He requested, therefore, that Lakeshore Estates Developers submit their paid invoices for approval and payment.**

13) Unfinished Business from Previous Village Board Meeting

- a) Election of Utility Commissioners
 - i) to fill term ending 2004 created by resignation of David Kangas – **Schneekloth moved to elect Rob Franda to fill the vacant seat. Beach seconded. Motion carried.**
 - ii) to fill seat upon expiration of term of Lynn Milheiser (five year term beginning October, 2000) - **Schneekloth moved to table consideration to the next regular Board meeting. Beach seconded.** Schneekloth requested that a copy of the Utility Commission Ordinance #46 be brought to the next meeting to determine if the ordinance stipulates that a trustee must have a seat on the Commission. **Motion carried.**

- b) Sherwood Lions Football Program Request For Legion Park Alterations [July 10, 2000] – Dave Van Elzen presented his plan the alterations to the park property and the St. John/Sacred Heart property which are used by the Lions Football Program as their practice fields. The plan includes removal of four trees, which now stand on the park property line. The plan also calls for removal of the outfield fence from the park ballfield. He also wants to grade in a 20 foot wide ditch with 8 foot slopes and a 4 foot wide bottom to drain water into a catch basin area which drains to a culvert on the Schumacher property. He also intends to excavate a hill on the property, remove rocks and to bring in 10-12 load of fill and 10 loads of black dirt to raise the field 1 inch. This project would start in early August of 2001. This will be a volunteer effort with quality workmanship at no cost to the Village. He requested that liability be covered by the Village and that Village water be supplied for irrigation of the field. **Schneekloth moved to tentatively approve with Phase I of the plan, contingent upon approval by St. John/Sacred Heart Church. King seconded.** Beach requested that Van Lieshout describe progress on the TIF Park on Castle Drive. Phase I of the park development is complete with construction and seeding of 3 soccer field laid out in such a way as to be alternatively used as a football field. Also completed and graveled are the parking lot area and the trail system along Castle Drive. As requested by Beach Van Lieshout obtained some cost estimates as follows:
 - Approximately \$55,000 to bring water and sewer to the site
 - \$24-\$34 per square foot for a shelter. An open shelter would need special footings so a 90' x 40' shelter will cost \$180,000 - \$190,000.
 - Portable washroom facilities will cost \$800 for a 28 week season.

Beach encouraged VanElzen to work with the PRUT Board to move his team play to the TIF Park. VanElzen stated his group would be willing to play in that park if there were 200+ car parking facilities, washrooms and changing facilities in a shelter, and made the facilities, in general, attractive enough for the football team. Thomson states he doesn't see why the Village would want to keep the Sherwood Lions from improving the American Legion Park fields at no expense to the Village. Diedrick reported that the Village is in the process of laying in tile to drain the infield, the volleyball court and the playground. The alterations to the field by the football group would not present a problem for the rest of the park. Barribeau stated his belief that the project needs to be put into the form of a written contract. **Upon a roll call Barribeau, King, Thomson, Schneekloth voted aye. Beach and Milheiser voted nay. Motion carried.** Beach asked that Frassetto review any restrictions that might be imposed by agreement with the American Legion and to write a letter to the Legion to inform them of the project.

- c) Springhill Pond remediation [August 28, 2000] – Frassetto reported that the DNR had made it very clear that the algae bloom in the pond presented no danger to health and welfare. The DNR was adamant that dredging would not solve the problems because there is much nutrient runoff from agricultural and residential fertilizer. Aeration or agitation of ponds feeds oxygen to the algae which stimulates growth. The DNR reported good success with a method which introduces sacked barley straw into ponds. As water runs through the straw a natural reaction causes peroxide to be given off which acts as a natural algae inhibitor. Information regarding this process is being forwarded to Frassetto. Another DNR representative suggested taking the boards off the dam and letting the water drain off letting the pond return to a natural wetland. Once this was done the boards could be put back on in order to let the wetland perform as storm water detention. Thomson objected to the DNR solutions because, he says, they have never come out to see the problems. Schneekloth reported that he spoke with Mr. Jome, an owner of the golf course, who said he has never been approached by the homeowners living around the pond. He might be willing to sell the pond to the property owners who can then form a pond association. He is more than willing to work with the surrounding homeowners. Schneekloth requested that Van Lieshout write a letter to the surrounding owners outlining the information received to date. He wants to see this item resolved and to move it off the agenda. **Thomson moved to recognize Petrie. Seconded by Schneekloth.** Petrie stated that there is more than two feet of sediment in the pond. Schneekloth stated that the Village has commissioned an engineering study and report. He prefers to rely on the engineer's report rather than on anecdotal information. **Beach moved to recognize Kate Zietlow. Schneekloth seconded.** Zietlow suggested that if the home owners do not believe the engineers report, perhaps they should get together and pay for an independent report.
- d) Reintroduction of Question Previously Considered: Property owners petition to pay for paving Questa Court in 2000. [Barribeau: Reconsideration of matter decided July 10, 2000][Tabled: Schneekloth August 28, 2000] – At the request of Schneekloth, Van Lieshout stated that two backlots, 40-1 and 41-1 are legal non-conforming lots, are not deed restricted and are, in his opinion buildable lots and assessable for improvements. However, lots 38-1 and 39-1 are restricted, not buildable, and not assessable. Attorney Frassetto confirmed that if lots are buildable they are also assessable. A question has risen, he went on, as to whether the property, once zoned conservancy, was properly rezoned to R-1A. He reviewed that the paving of Questa Court was originally scheduled for 2001, but the Questa Ct. property owners requested that the paving be moved up to 2000. During this time the issue of buildability of backlots 40-1 and 41-1 arose. With that issue came

the question of the advisability of 2000 paving if it would subsequently have to be torn up to install sewer and water laterals. Carol Carlson stated that her backlots were once zoned conservancy and in her opinion when the area was rezoned she thinks that the covenant restrictions were voided. Frassetto stated that the covenant is between the buyer and their seller and is not the business of the Village. He also pointed out that when the Village approved the Questa Court subdivision plat, it did so with the understanding, as represented by the developer of High Cliff Recreation Plat 1, that all the lots were restricted. The approval of the drainage plan was made with that understanding. Paula Heid, owner of one of the unrestricted lots, stated that she was in the process of requesting that sewer and water laterals be brought to Lot 41-1 when the 2000 paving request brought the question to the forefront. This is still their plan. ***Barribeau moved to bring the issue of Questa Court paving in 2000 back from the table. Milheiser seconded. In response to a question by King, Frassetto stated that King can vote on removing from the table without a conflict. 6 aye, 0 nay, Motion carried. Barribeau moved to pave Questa Court in 2000. Milheiser seconded.*** King asked if this would mean lots 40-1 and 41-1 would be assessable. Van Lieshout stated and was supported by Frassetto that a Public Hearing on the Special Assessment would be required or the property owners would need to waive the right to a public hearing. Van Lieshout said that the paving would need to be put out to bid, public noticed, and a public hearing held in order to approve Special Assessment. Mike Krueger stated that with 4 of 7 Questa Ct. lots are developed and thus meet the Village policy that 50% of lots be developed before first road surfaces will be applied. Frassetto stated that there are a number of issue pending which might become problematic in the future. Heid stated that she would like time to have utility laterals installed before the street is paved. ***Barribeau moved to amend his original motion assess lots 40-1 and 41-1. Milheiser seconded. On a roll call vote Barribeau, Milheiser, Thomson voted aye. Beach and Schneekloth voted nay. King abstained. The motion to amend carried. Barribeau moved to amend the original motion to defer assessment of lots 38-1 and 39-1. Milheiser seconded.*** Heid said she would not waive her right to a public hearing. Frassetto stated that in that case a public hearing must go forward. ***Schneekloth moved to lay the issue on the table until after public hearing.*** Frassetto clarified that since Heid refuses to waive her rights, the Village must proceed with the statutory procedures, those being a Preliminary Resolution, followed by a required Public Notice, a Public Hearing, and adoption of a Final Resolution. By the time the statutory process is completed, he said, it will be into the cold weather and questioned the viability of laying asphalt in those conditions. ***Beach seconded the motion to table. Beach, Thomson, Schneekloth voted aye. Milheiser and Barribeau voted nay. King abstained. Motion to table the matter carried.***

Frassetto and the Clerk recapped the procedures and the sequence of motions and votes for the benefit of the public.

Schneekloth made a motion to move into closed session at 9:55 p.m. per the above stated statutes. Seconded by Beach. Motion carried.

Schneekloth moved to return from closed session at 10:15 p.m. Milheiser seconded. Motion carried.

Schneekloth moved to approve employee requested leave of absence. Milheiser seconded. Motion carried

14) Presentation of correspondence, resolutions, and related matters

The Board agreed by consensus to approve Halloween Trick or Treat hours on October 28, 2000 from 1:00 p.m. to 3:00 p.m.

15) Adjournment – *Barribeau moved to adjourn at 10:19 p.m. Schneekloth seconded. Motion carried.*

Minutes respectfully submitted by:

Ellen Maxymek, Clerk

Village Board Meeting Minutes

September 25, 2000

- 1) **Call to Order and Roll Call:** The meeting was called to order by President Schneekloth at 6:30 p.m. Roll was called as follows:

Present

Bill Barribeau
Joe Beach
Andy King
Lynn Milheiser
Don Schneekloth, Excused 7:19 p.m.

Absent

Joyce Laux, Excused
Carl Thomson, Excused

Others Present

Steve Frassetto, Village Attorney
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk

- 2) **Pledge of Allegiance**

- 3) **Approval of Minutes:** *Barribeau moved to approve the minutes of the September 11, 2000 meeting. Schneekloth seconded.* Beach referenced Agenda Item 13 b, regarding Sherwood Lions Football Program request for approval of Legion Park alterations *asking that VanElzen's response be recorded* to Beach's encouragement to work with the PRUT Board to move his team play to the TIF Park. *The motion to approve with the requested addition carried.*

- 4) **Registered citizen comments on agenda items**

- **Steve & Michelle Kamrowski**, W5154 Blue Heron Court. Since the couple wished to address the Board regarding an issue not on the agenda, *Barribeau moved to hear the issue. Schneekloth seconded. Motion carried.* Kamrowski requested that the special assessment process be reopened for 2000 street construction projects. Kamrowski stated the couple did not appear at the public hearing regarding special assessment for improvements benefiting their property. He explained that in January of 1999 the couple purchased a 1/2 split of a lot next to their homestead lot. They subsequently combined the split with their full lot. The transaction/s were approved, they stated, in June, 1999. The resulting frontage was less than the minimum cul-de-sac frontage established by the Board for calculating the special assessment. However, the Village staff calculated the assessment as 1/2 of the minimum frontage of the split lot. Kamrowski stated that this was a mistake on the part of the Village and that he was assessed for \$300 more than he should have had the assessment been calculated on the combined lot. Schneekloth explained that no action could be initiated since the matter was not on the agenda and *instructed the Kamrowski's to give the written details to the Coordinator who will then include the issue as an agenda item at a subsequent meeting. Frassetto requested that Van Lieshout determine if the splits and combination of lots was done by Certified Survey Map*, if which case it would have come before the Plan Commission and Village Board for approval. Often, he continued, the splits and combinations are done at the county level with the tax lister combining the parcels for tax assessment purposes when in fact the parcels remain separate.
- **Review Board action of September 11, 2000 re. ditch enclosures per Driveway Ordinance #55 Section 4-C Mike Kroiss, W184 Allen Dale Lane [Barribeau]** - *Barribeau asked if there was objection to a change in the order of the agenda to move item 12 a up in order to accommodate Mr. Kroiss. No objection was voiced.* Kroiss stated that he was unaware of the meeting schedule and thus was not present when the Board took action at the previous meeting. He also stated that he did not know before filling in the ditch that approval is required before making modifications per the

Driveway Ordinance. Barribeau asked if Kroiss could appeal to the Board of Appeals. Van Lieshout stated that the Driveway Ordinance does not have an appeal mechanism. He said the Board of Appeals has appeal jurisdiction in situations involving the Zoning Ordinances. Schneekloth stated that when the Village Engineer, and the Public Works Supervisor agreed that the ditch enclosure violated the ordinance and compromised drainage, he was unwilling to fly in the face of their expertise. **Barribeau moved to reverse the prior action of the Board. No second was put forward. Motion died.** Kroiss asked that he be excused from re-digging the ditch to its original 3 1/2 ft. depth and that the time to remove the fill be extended to next Spring. Van Lieshout stated his preference that problem be rectified this fall. **Schneekloth instructed Kroiss to work with the Code Administrator to resolve these problems.**

5) **Report of Plan Commission - No action required on the report of the September 12, 2000 meeting which follows:**

Action Items

- Recommended approval of an amendment to the Zoning Ordinance, contingent upon review by the Village Attorney, to allow by conditional use permit the use of illuminated pylon sign in commercial district – Attorney Frassetto reported that he has reviewed the text amendment and has found it to be acceptable. Clerk Maxymek reported that public notice of a hearing on October 9, 2000 regarding the zoning amendment has been published as required.

For information Only

- Tabled to the next meeting, after review of Windswept Shores II Preliminary Plat and Drainage Plan
- Tabled to the next meeting, after review of Sanctuaries Preliminary Plat and Drainage Plan
- Heard report by Coordinator on the status of trail construction on State Park Road
- Decided by consensus to schedule future Plan Commission meetings on the first Monday of each month

6) **Report of Utility Commission - Schneekloth moved to approve the report of the meeting of September 18, 2000 as received. Milheiser seconded. King abstained. Motion carried.**

Action Items

- Approved Keith and Paula Heid's request to install sewer and water laterals to parcel 41-1 from Questa Court.
- Adopted a Curb Stop (Water shut off valve) policy – See attached.
- Approved landscaping at new water tower site.

For Information Only

- Introduced new Commission member Rob Franda.
- Water Tower online September 18, 2000
- Pre-construction meeting for Meadowcliff project scheduled for Friday, September 22, 2000.
- Commission will continue to monitor sewer utility rates and financial adequacy.

7) **Report of Village Officers**

- a) President - **None**
- b) Clerk/Treasurer - **None**

8) Village Coordinator

- a) **Joel Grenzer request for permission to install corrugated plastic pipe in lieu of cast concrete or corrugated metal pipe under driveway** - Van Lieshout reported that he discussed this request with the Village Engineer who felt it was a bad idea to allow a divergence from the acceptable materials. *Milheiser moved to stay with the ordinance. Schneekloth stated that he did not think the Board needs to take action not to change the ordinance requirement and instructed Van Lieshout to enforce the ordinance as it was stated.*
- b) **Discussion regarding vacation of Meadowcliff Drive** - Van Lieshout explained that the developers of Fairways at High Cliffs were reluctant to grant a needed easement to reconstruct the Meadowcliff Condominium water and sewer system unless the Village agrees to vacate Meadowcliff Drive. If an easement cannot be obtained it will be necessary to cut down and possibly replace 8 trees on the condo property and to remove a number of privacy fences in order to accomplish the construction. This will necessitate revising the awarded construction contract and increase the project cost. Sharon Williams with the condo association is aware of the difficulty and is consulting with association members. Frassetto reported that the Village has all easements in place with the condo association and can move forward using the easement. *It was the consensus of the board not to support vacating the road right-of-way* and thus giving away a bargaining tool in the Fairways development.
- c) **Recommend motion to MOVE INTO CLOSED SESSION** per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. *Closed session was not necessary per Van Lieshout.*

9) Village Attorney

- a) **Review draft amendment to Subdivision Ordinance #38 to require developers to provide bond, bank letter of credit, or cash escrow** - Frassetto presented draft language for an amendment to the Subdivision Ordinance requiring a Developer's Agreement. He requested concept approval of the drafted language. Frassetto stated that Engineer Rosenbeck has asked for some additional changes to the ordinance. *King suggested that a formulation for the amount of the dollar amount of the bond, bank letter of credit, or cash escrow be established in the agreement.* Frassetto agreed. *The attorney will put together the requested changes as amendments and bring them forward for public hearing as required. No adverse comments forthcoming, the concept was accepted.*
- b) **Report regarding restrictions pertaining to changes to American Legion Park** - Frassetto reported that upon review of the Memorandum of Agreement with the American Legion Post, he found the only pertinent restriction was that the land remains a recreational park. He has drafted and sent an indemnity and hold harmless agreement to Dave VanElzen of the Sherwood Lions Football Program, for review. They sent a copy of their insurance policy for review of the liability clause. If necessary the Village may want to be listed as an additional insured.
- c) **Recommend motion to MOVE INTO CLOSED SESSION** per State Statute 19.85(1)(g) 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; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. *So recommended.*

10) Village Engineer - No business to report.

11) Unfinished Business from Previous Village Board Meeting

a) Election of Utility Commissioners

- i) **to fill seat upon expiration of term of Lynn Milheiser (five year term beginning October, 2000) [Tabled, Schneekloth September 11, 2000]** - Schneekloth stated that there is no mandate in the Utility Commission Ordinance which requires that a trustee be seated on the Commission. He stated that Jim Rath, while a newcomer to the community, submitted a resume, which showed extensive experience in the operation of a large utility. Beach states that he believes that the President should serve on the Commission and be a conduit to the Village Board and that the Commission could be expanded to include seats for the President and Mr. Rath. He also stated that the following sentence in the ordinance is unnecessary; 4 b If, by the Chairman's discretion, a Commissioner is absent without excuse, the Commissioner shall forfeit his/her meeting fee. This statement is unnecessary, he said, because according to convention meeting fees are not paid when member is absent.

Barribeau moved to re-elect Milheiser to serve on the Utility Commission. King seconded. Schneekloth stated he wanted to seat the best people on the Boards and Commissions. King stated that he finds out what ongoing issues are before the Boards and Commissions through representation by a trustee. *Motion carried.* Schneekloth asked the Village Attorney to verify that a candidate can vote for himself or herself. *Frassetto stated he knows of no reason why a candidate could not vote for himself or herself, but will check. Beach moved to elect the President to the Commission.* King stated that the action would require an amendment to the ordinance. He would support that change.

12) Presentation of correspondence, resolutions, and related matters

- *Beach made a motion at 7:20 p.m. to move into closed session per State Statute 19.85(1)(g) as stated above. Barribeau seconded. Motion carried.*
- *Milheiser moved to return from closed session at 7:52 p.m. Beach seconded. Motion carried.*
- *Frassetto called the Trustees attention to information from Ehlers Associates regarding changes in TIF regulations.*
- Milheiser requested that steps be taken immediately to implement Emergency Numbering System Ordinance. Barribeau requested that a progress report be placed on the agenda for the next meeting.

13) Adjournment - Milheiser moved to adjourn at 7:55 p.m. Barribeau seconded. Motion carried.

Minutes recorded and submitted by:

Ellen Maxymek, Clerk

Village Board Meeting Minutes

October 9, 2000

- 1) **Call to Order and Roll Call** – The meeting was called to order at 6:30 p.m. by President Schneekloth. Roll was called as follows:

Present

Bill Barribeau
Joe Beach
Andy King
Lynn Milheiser
Don Schneekloth
Carl Thomson

Absent

Joyce Laux, Excused

Others Present

Steve Frassetto, Village Attorney
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk
Bill Diedrick, Public Works

- 2) **Pledge of Allegiance**
- 3) **Approval of Minutes:** *Barribeau moved to approve the minutes of the September 25, 2000 meeting. Milheiser seconded. Motion carried. Milheiser moved to approve the minutes of the special joint meeting of June 13, 2000. Barribeau seconded. Motion carried.*
- 4) **Registered citizen comments on agenda items** – *Barribeau moved to suspend the rules to allow Mike Kroiss, W184 Allendale Lane, to address the board on a matter not appearing on the agenda. Milheiser seconded. Motion carried.* Kroiss made a statement in regard to the matter of removing the unauthorized filling in of the ditch in front of his home. He thinks, he said, that he has been treated unfairly by the board and that he is being harassed. He also stated his belief that he and the coordinator had a personality conflict which influenced the course of action that the Village required.
- 5) **Public Hearing:** Amending Ordinance 65, Section 4-6 adding language to allow the conditional use of lighted pylon signs in commercial and industrial districts, deleting “for all uses, including conditional uses,” – After making three unanswered calls for public comment, Schneekloth closed the hearing. This being the second reading of the amendment, *Schneekloth moved to approve. Barribeau seconded. Motion carried.*
- 6) **Public Hearing:** Amending the map of Ordinance 65, on a request by Ron and Kathy Lemerond to change the zoning of Lot 87, High Cliff Recreation Plat #2 from R1-A to R-1. The effect of this zoning change will allow the construction of a home within 25 feet of the street side property line – Ron Lemerond, N7823 Lakeshore Lane, stated he has owned the above property for ten years. He was not notified, in 1997 when Lot 87 was rezoned from R-1 to R1-A which requires a 35 foot set-back from the lot line. If this setback is enforced the lot will be too narrow to accommodate his desired new home. Neighbor Dave Clifton spoke in support of the rezoning, saying that the house Lemerond is planning if the rezone is approved will fit as to scale with the other homes in the neighborhood. Following three calls for public comment the hearing was closed.

In response to an inquiry by Beach, Van Lieshout stated that an amendment to the zoning map was necessary in this instance because the standard required to obtain a deviation from the code via a grant of variance was not met. He did not find an objection to the rezoning based on a negative impact to the Village. *Schneekloth moved to waive the Rule of the Board requiring a second reading of the amendment to the ordinance. Barribeau seconded. Motion carried. Schneekloth moved to approve the amendment to the Zoning*

Ordinance changing the zoning of Lot 87, High Cliff Recreation Plat #2 from R1-A to R-1. Thomson seconded. Motion carried.

7) Consent Agenda

a) Approval of Licenses

- i) Review/Approval of Operator's License – Milheiser moved to approve the granting of an Operator's License to Mary C. Bartels. Thomson seconded. Motion carried.*

8) Report of Plan Commission

Action Items

- Recommended approval of an amendment to the Zoning Map of Ordinance #65, to change Lot 87, High Cliff Recreation Plat #2 from R-1A to R-1. The effect of this change is to allow building a home at a 25-foot setback from the lot-line.
- Recommended approval of the Conservation & Development portion of the General Fund Budget.

For information Only

- The Coordinator reported that a notification to receive bids was received from the United States Postal Service for construction of Post Office facility.
- The Coordinator reported that notification of funding grant was received from Wisconsin Department of Transportation for reconstruction of Pigeon Road.

Schneekloth moved to approve the report of the Plan Commission. Barribeau seconded. Motion carried.

9) Report of Village Officers

a) President

- i) Amendment to Village of Sherwood Utility Ordinance, requiring one member of the Utility Commission to be a Village Trustee – Schneekloth moved to approve the amendment to the Utility Commission Ordinance. Milheiser seconded. Schneekloth moved to amend the motion to revise the language in Section 4 b) to read If a Commissioner is absent, the Commissioner shall forfeit the meeting fee. King seconded the amendment. Amendment carried. Main motion carried.*

b) Clerk/Treasurer

- i) Review of Financial Reports – Reports were presented without comment.*
- ii) Approve accounts payables invoices above budget limits – Schneekloth moved to approve the invoices presented for payment. King seconded. Motion carried.*
- The clerk sought and received consensus to pursue insurance cover through affiliation with the League of Wisconsin Municipalities and its new carrier, Kempes Insurance as of January 2001.

10) Village Coordinator

- a) Review and approval of Village General Fund, TIF Fund, Capital Improvements Fund, and Debt Service Fund Budgets** – Van Lieshout reviewed the budget by line item. The following changes and requests were noted:

General Government

- Village Board: Dues & Subscriptions – increase budget to \$950

- General Admin: Publ/Sub/Dues – decrease to \$4,000
- General Admin: Copier lease/maint – increase to \$2,500
- Donations: Add new line \$700

Public Works

- Outside Services Vehicle: increase to \$1000

Health & Human Services

- Donations: increase to \$1700

Public Safety

- Building Inspection: Van Lieshout reported that the group item is in flux due to the upcoming retirement of Bruce Boykin as Building Inspector effective December 1, 2000.
- Contracted Public Safety: Beach requested that the results of the past referendum be brought to the attention of the Board at the next meeting. Beach requested that approval to hold a Spring Election referendum regarding contracted public safety services be itemized on the next agenda.

Capital Projects: Street Improvements

- Draft a written policy regarding pavement of streets

TIF Capital Projects

- Wannick Park – increase to 70,000

b) **Approval of Amendment to Ordinance 65, section 4-6 (K)** – Approved Agenda item 5 above.

c) **Approval/denial of Amendment to the zoning map, Ordinance 65** – Approved Agenda item 6 above.

11) **Village Attorney** – Frassetto noted the following:

- The Petrie-Mustang Acres Redevelopment Agreement has been fully executed.
- November 6, 2000 has been scheduled by the court as hearing date to set Hawkinson legal costs.

12) **Village Engineer** – No report.

13) **Unfinished Business from Previous Village Board Meeting**

- Barribeau requested that a report regarding implementation of the emergency numbering signs be put on the agenda of the next meeting

14) **Presentation of correspondence, resolutions, and related matters**

15) **Adjournment** – *Schneekloth moved to adjourn at 8:35 p.m. Barribeau second. Motion carried.*

Respectfully submitted for approval by,

Ellen Maxymek
Village Clerk

Village Board Meeting Minutes October 23, 2000

- 1) Call to Order and Roll Call - The meeting was called to order at 6:30 p.m. by President Schneekloth and roll was called as follows:

Present

Bill Barribeau
Joe Beach
Andy King
Lynn Milheiser
Don Schneekloth-7:30
Carl Thomson

Absent

Joyce Laux

Others Present

Steve Frassetto, Attorney
Gary Rosenbeck, Engineer
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of Minutes: ***Beach moved to approve the minutes of the October 9, 2000 meeting. Barribeau seconded. Motion carried.***
- 4) Registered citizen comments on agenda items – None
- 5) Consent Agenda
- a) Approval of Licenses
- i) Review/Approval of Operator's License – ***Schneekloth moved to approve the issuance of an Operator's License to Aislinn M. Parsons pending the return of a clear records check. Milheiser seconded. Motion carried.***
- 6) Village Engineer – ***Schneekloth moved to change the order of the agenda due to another commitment of the Engineer. Milheiser seconded. Motion carried.*** Rosenbeck reported receipt of the Badger Highway invoice for 2000 road construction. A change order was presented showing a reduction in unit quantities totaling \$1265.63; an increase to adjust manhole frames on Nature's Way in Nature Haven Estates subdivision; for a net decrease of \$165.63. ***Schneekloth moved to approve the change order. Milheiser seconded.*** Thomson inquired whether the original contractor should be held responsible for incorrectly setting the manhole frames. Rosenbeck responded that at the time the subdivision was built the Village was probably requiring that the frames be set at gravel grade rather than at final surface grade. ***As to the pending motion, motion carried.***

Rosenbeck stated that the reduction in the unit price of asphalt resulted in a decrease in the per linear foot assessment rate from \$7.18 to \$6.70 for 2-inch binder course paving and from \$7.06 to \$6.74 for 1 ½-inch surface course paving. This will necessitate adjustments in special assessments. He suggested that in the future the Final Resolution for Special Assessment be postponed until work is completed and final costs are known.

Rosenbeck stated, in regard to a proposal to the US Postal Service, that the Postal Service will entertain proposals for 1. sale of property for construction purposes 2. lease of facility space in an existing structure. He brought to the attention of the Trustees rough sketches for each option. The eastern ¼ of Lot 32D Clifton Rd. is suitable for building the size facility proposed by the Postal Service. This is the site favored by the USPS. The northwest ¼ of the same property is suitable as well but would necessitate the construction of a road for access.

An alternative option for proposal is to remodel the existing Recreation Center/Plaza for

lease to the USPS. \$250000 could be spent in the remodeling of the building which would then require an \$8-\$9 per square foot lease rate. In response to questioning by Schneekloth, Rosenbeck stated that an equitable solution might be to propose sale of the desired property [E ¼ of 32D] at a reasonable price and to require as a condition of sale that the structure be built to the standards as determined by comprehensive planning. Following a poll of the Board, Van Lieshout was instructed to prepare a proposal of conditional sale, outlining the desired building materials and exterior concept. Van Lieshout was instructed to obtain an appraisal to determine the property value and to return a sale proposal for Board approval at the next meeting.

Finally, Rosenbeck stated that he prepared for consideration a road paving policy, which, if approved, will formalize the scheduling and budgeting of future road paving projects. Schneekloth expressed gratitude to Engineer Rosenbeck for his work on the successful grant application in the amount of \$192,000 for reconstruction of Pigeon Road.

7) Report of Utility Commission - October 16, 2000

Action Items

- David Miller was elected as Chair of the Commission and Tim Koffarnus was elected as Secretary of the Commission.
- Approved the final payment to Caldwell Tank for water tower

For Information Only

- Meadowcliff project will start on Wednesday, October 18, 2000. Project will be changed due to easement issues and only three of the four units will have water and sewer pipe repairs at this time.
- 2001 Water and Sewer budgets were reviewed.

Schneekloth moved to approve the report of the Utility Commission. Thomson seconded. Motion carried.

8) Report of Village Officers

- a) President – Schneekloth reported his receipt of a letter of congratulations from Representative Ott regarding the Pigeon Road grant. In that letter Ott recommended that the Railroad Commissioner be contacted again [by the Coordinator] to facilitate the signalized RR crossing at Pigeon Road. He reported having received a video outlining application for Tree City USA status and requested that Coordinator Van Lieshout process it.
- b) Trustee Beach: Proposed amendment to Village of Sherwood Utility Ordinance, requiring appointment of Village President to Utility Commission – ***Beach moved to approve the amending the Utility Commission Ordinance to require the Village President as put forward. There being no second, the motion died.***
- c) Clerk/Treasurer
 - i) Review/approval of special assessments, special charges, and delinquencies to be placed on the tax roll pending non-payment – ***King moved to approve. Milheiser seconded. Schneekloth abstained. The motion carried.***

- ii) Review/approval of Superior Services request of temporary fuel surcharge – Frassetto reported that since a contract for services is in place, he sees no reason the board would want to approve payment of a surcharge. The Clerk was asked to get more information about the amount of the proposed surcharge. No motions were forthcoming.
- 9) Village Coordinator
- a) Sherwood Post Office proposal – See agenda item 6 above.
 - b) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.
- 10) Village Attorney
- a) Frassetto reported there is a temporary delay in completing the purchase of the Gehl property for the purpose of storm water detention. Schneekloth signed a proffered extension of the offer to purchase.
- 11) Unfinished Business from Previous Village Board Meeting
- a) Review and approval of Village General Fund, TIF Fund, Capital Improvements Fund, and Debt Service Fund Budgets – Van Lieshout reviewed budget changes made per Board direction at the last meeting. Discussion occurred regarding whether the allocation of wages to the Utility for services of the Coordinator, Clerk/Treasurer, and Finance Clerk was accurate. Van Lieshout affirmed that the allocation was, in his opinion, reasonably accurate.

Schneekloth moved to give the floor to Kate Zietlow. Barribeau seconded. Motion carried. Zietlow asked if it is prudent to ask the taxpayers to fund the payment for wages and equipment for a youth baseball program, which has not been supported by parental volunteer efforts. The Board requested that costs of the program be cut from the budget.

Upon inquiry by King, Van Lieshout stated that as it stands the current budget will require a \$7.91 per \$1000 of valuation, representing a 30% increase in rate over the 2000 budget. King requested that fees and rents be examined to determine if they can be increased, thus lessening the impact tax rate increases.

Following the departure of Schneekloth at 7:30p.m., ***Milheiser moved to appoint Barribeau as temporary Chair. Thomson seconded. Motion carried.***

- b) Second Reading: Amendment to Village of Sherwood Utility Ordinance, requiring one member of the Utility Commission to be a Village trustee (Schneekloth) – Milheiser moved to approve the amendment to the ordinance. King seconded. Motion carried.
- c) Emergency Numbering Signs (Barribeau) – Van Lieshout reported he ordered the signs in late September.
- d) Street Paving Policy (Schneekloth) – ***Milheiser moved to approve the Street Paving Policy as presented. Thomson seconded. Motion carried.***

- e) Referendum for contracted police services held in conjunction with spring 2001 election (Beach) – Milheiser suggested that a consensus be gathered by holding a public meeting to get input from the citizens as to whether to budget for contracted sheriff services.
Beach moved to approve that a referendum be placed on the ballot for the Spring Election to budget for a ¼ time officer at an approximate cost of \$17000 per year. The motion died for lack of a second.

12) Presentation of correspondence, resolutions, and related matters –

- Van Lieshout reported that he is interviewing for building inspection services.

Barribeau made a motion to move into closed session per the above statutory reference at 9:00p.m. Milheiser seconded. Motion carried.

Milheiser moved to return to open session at 9:22p.m. Thomson seconded. Motion carried.

13) Adjournment – ***Milheiser moved to adjourn the meeting at 9:23p.m. Thomson seconded. Motion carried.***

Respectfully submitted,

Ellen Maxymek, Clerk

Village Board Meeting Minutes November 13, 2000

- 1) **Call to Order and Roll Call** – The meeting was called to order at 6:30 p.m. by President Schneekloth and roll was called as follows:

Present

Bill Barribeau
Joe Beach
Andy King
Lynn Milheiser
Don Schneekloth
Carl Thomson

Absent

Joyce Laux

Others Present

Steve Frassetto, Attorney
Josh Van Lieshout, Coordinator
Bill Diedrick, Public Works
Ellen Maxymek, Clerk

- 2) **Pledge of Allegiance**
3) **Approval of Minutes:** *Barribeau moved to approve the minutes of the October 23, 2000 meeting. Milheiser seconded. Motion carried.*

- 4) **Registered citizen comments on agenda items** - None
5) **Consent Agenda** – None

- 6) **Report of Plan Commission** – No action

For information Only

- The Coordinator was requested to develop appropriate amending language to the zoning ordinance to provide for concept approval of construction permitted in the C4 office district.

- 7) **Report of PRUT Board** – No action

Items for Action

- Recommended that the Village Board develop/refer back for development and equitable facility use/rent policy – The Coordinator was asked to review the policy, make changes as needed and return for approval if necessary.

For Information Only

- Zietlow will submit an article for the Village newsletter, seeking volunteers to develop a PRUT newsletter if funding becomes available through application to Community Foundation.
- Hennlich will continue to gather information regarding fishing piers and fish stocking in Village owned ponds.

- 8) **Report of Village Officers**

- a) **President** – Schneekloth reported a conversation with Laux who noticed that the required employment posters in the community center were out of date and recommended replacement.

- b) **Clerk/Treasurer**

- i) **Review of Financial Reports** – *Barribeau moved to accept the financial reports as presented. Milheiser seconded. Motion carried.*

ii) Approve accounts payables invoices above budget limits – The Clerk/Treasurer reviewed each over-budget expenditure group. Frassetto advised that a means be devised to mark equipment such as the stereo/tape purchased by the Village and in the keeping of Lisa Sheppard, the dance program instructor. *Milheiser moved to approve the over-budget invoices for payment. Barribeau seconded. Motion carried.*

iii) Review/approve purchase of Public Officials Bond – The Clerk/Treasurer reported that the statutes require that a public officials bond cover the clerk position unless the board passes a resolution to waive bonding. Costs of bond insurance ranging from \$25K to \$100K were reported. The commercial crime insurance carried by the Village will cover the position to a maximum of \$25,000 if a resolution to waive bonding is in place. Frassetto recapped the above and advised that, if satisfied with the level of coverage provided by the commercial crime policy, the Board can approve a resolution to waive the statutory requirement for a public officials bond. If the Board desires higher levels of coverage it should authorize the Clerk to obtain bonding. He will forward the resolution language for the record. *Schneekloth moved to approve a resolution to waive bonding. Milheiser seconded. Motion carried.*

9) Village Coordinator

a) **Review and adoption of the Village of Sherwood Personnel Policy** – Coordinator Van Lieshout brought forward a revised personnel policy as requested by the Board. The employees, he stated, participated extensively in the policy development. A revised policy was presented to the Utility Commission at their request, and was approved earlier in the year. The Board reviewed the policy with the following comments:

- Section III. 10. Personal Days-Schneekloth stated that four personal days granted to the Village Clerk in recognition of extended hours worked on election days is excessive. He proposed a change to four hours of personal time.
- Section IV. 2. Unpaid Leave of Absence-Schneekloth stated that no employee should be eligible for unpaid leave until they have been in the employ of the Village for one year. Milheiser and Barribeau commented that the language in the policy conveys that such leave “may” be granted, not that it is an entitlement.
- Section III. 11. Sick Days-Schneekloth stated he thinks the sick days should be reviewed for options. He commented that many businesses have a “use it or lose it” policy. On the other hand that kind of policy may encourage end of year “spending” of unused sick time. Van Lieshout stated that in the prior policy 180 days of unfunded liability could be accrued albeit over a 30-year period of employment. It was his thought to reduce the maximum liability to 60 days, which could be accrued over a 5-year period. Upon inquiry by Schneekloth, Van Lieshout reported that very few sick days have been used during his tenure. Schneekloth stated he was satisfied with the policy as long as it has not encouraged abuse.
- Section III. 1. Group Health Insurance-Barribeau questioned why health insurance is made available after 60-days of employment and not immediately. Schneekloth opined that this saves administrative expense should a new hire terminate within a short time of employment. Van Lieshout and Frassetto stated that most employees either purchase a short-term policy for interim coverage or elect extension of coverage under a COBRA provision with the old employer.

Van Lieshout was instructed to return with changes or clarifications to the policy for approval at a subsequent meeting.

- b) **Recommend motion to MOVE INTO CLOSED SESSION** per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to **RETURN TO OPEN SESSION** to take further action or to adjourn the meeting - Recommended.

10) Public Works Supervisor

- a) State Park Estates detention ponds – Diedrick reported that muskrats are undermining the banks of one of the Village ponds in the State Park Estates Subdivision. He sought guidance from the Board as to what direction they would like to go to resolve this problem. Rip-rap, galvanized barrier, extermination and trapping were suggested as possibilities. Diedrick reported that the ground around the pond has been tunneled through and undermined four feet from the edge of the water. He has concerns about the ground giving way when it is being mowed and that the mower and employee may end up in the water. Milheiser reported that several years ago the owners of High Cliff Golf Course faced the same problems and eventually hired a trapper to catch the animals. Schneckloth suggested that Van Lieshout contact Dick Nicolai of the DNR, which may have a list of trappers, some of whom may trap for the pelts only. Van Lieshout may be able to learn of other practical alternatives.
- b) **Recommend motion to MOVE INTO CLOSED SESSION** per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to **RETURN TO OPEN SESSION** to take further action or to adjourn the meeting - No recommendation was made.

11) **Village Attorney** – Frassetto reported that all court costs and approximately 25% of the attorney fees have been awarded by the judge in the Village v Hawkinson litigation. Frassetto instructed the Clerk/Treasurer to put these cost totaling \$1794 on to the tax bill as a special charge.

12) Unfinished Business from Previous Village Board Meeting

- a) Review of Village General Fund Budget – Schneckloth reported asking the Coordinator to present a budget which cuts some services but lowers the mill rate from the 30% increase in the budget under review. Van Lieshout reviewed the following cuts totaling \$70,139:

General Government - \$7,658 Decrease

Village Board- Cut \$4,812 by reducing meetings to 12 per year.

Part-time Administrative- Cut \$646 by eliminating wages and benefits

Capital Outlay- Cut \$1,500 by deleting office and Rec. Plaza painting and carpeting

Other Financing Uses- Cut \$700, eliminating Donations expenditures

Public Safety - \$22,503 Decrease

Building Inspection- Cut \$9,753 by change to non-employee provider

Contracted Public Safety- Cut \$12,750 by deleting contracted policing services through Calumet County Sheriff Dept.

Public Works - \$13,250 Decrease

General Public Works- Cut \$2,950, decreasing Maintenance, Repairs, Supplies

Public Works Capital Outlay- Cut \$10,300 accrued toward future purchase of large equipment and garage improvement

Health and Human Services - \$1,300 Decrease

High Cliff Cemetery- Cut \$300 by deleting repairs

Donations- Cut \$1,000 by deleting contribution to First Responders for purchase of AUD unit

Culture, Recreation & Education - \$17,400 Decrease

Parks- Cut \$2,700 by reducing Maintenance, Supplies, and Equipment

Capital Outlay- Cut \$14,700 by decreasing equipment purchases, deleting purchase of trees, deleting drainage improvement to ball diamond/playground areas in Legion Park

Conservation and Development - \$8,028 Decrease

Plan Commission- Cut \$528 in meeting per diems

Planning- Cut \$7,500, by eliminating Neighborhood Level Planning Services

The Board reviewed the mill rate history for the past seven years ranging from a low of \$4.90 per 1000 in 1993 to a high of \$9.12 in 1996. Thomson stated that if the above cuts of \$70,000 were made the mill rate would calculate to approximately \$6.65 per 1000.

King stated that he was not in favor of re-designating moneys accrued for future equipment replacement and building improvements. This would force large expenditures onto a future tax base that did not receive the benefit of present use.

Schneekloth requested that Van Lieshout review the TIF Project Plan with the financial consultants to determine if expenditures currently budgeted for General Fund appropriations can be moved to the TIF budget.

All action regarding budget appropriations will take place following a Public Hearing on the Budget scheduled November 27, 2000 as published.

13) Presentation of correspondence, resolutions, and related matters

a) **Request from Calumet Sno-trails, Inc. 2000-2001 trail use – *Schneekloth moved to approve the use of the Village section of snowmobile trail as proposed by the Sno-trails group. Thomson seconded. Motion carried.***

b) **Request from Sherwood Optimists to waive gym rental fee for basketball camp – *Motion by Beach to approve the waiver. Barribeau second. Motion carried.***

Beach made a motion to go into closed session at 7:55 p.m. pursuant to State Statute 19.85(1)(e) as stated above. Schneekloth seconded. Motion carried.

Schneekloth moved to return to open session at 8:24 p.m. Barribeau seconded. Motion carried.

Schneekloth moved to authorize Van Lieshout to make an offer to purchase 10 acres of property from Enola Miller at a per acre price of \$15,000 with survey, closing, and title transfer fees to be paid by the Village. The property is to be split in the center of the field access driveway entering from the west side of Stommel Road. Any remaining topsoil is to

be distributed on the adjoining property at no cost to the Miller family. King seconded. Motion carried.

Schneekloth moved to authorize the Coordinator to make a proposal to the US Postal Service to sell a portion of Village owned property on Clifton Road for the purpose of building a Post Office facility at the sale price and with the contingencies as reviewed in closed session. Barribeau seconded. Motion carried with a nay vote by Beach.

14) Adjournment – Motion by Schneekloth to adjourn at 8:29 p.m. Beach seconded. Motion carried.

Respectfully submitted,

Ellen Maxymek, Village Clerk

Village Board Meeting Minutes November 27, 2000

- 1) Call to Order and Roll Call: The Village President called meeting to order at 6:30 p.m. Roll was called as follows and a quorum was present:

Present	Absent
William Barribeau	Joyce Laux
Joseph Beach	Others Present
Andrew King	Steven Frassetto, Attorney
Lynn Milheiser	Joshua Van Lieshout, Coordinator
Donald Schneekloth 9:45	Bill Diedrick, Public Works
Carl Thomson	Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of Minutes: *Barribeau moved to approve the minutes of November 13, 2000. Milheiser second. Motion carried.*
- 4) Registered citizen comments on agenda items – Deferred to Public Hearing
- 5) PUBLIC HEARING: Village of Sherwood 2001 Budget
- Bob Dederling, W4816 Questa Ct., requested a summary of major budget increases. Schneekloth reported from the published and posted 2001 budget summary (herein attached and made part of the minutes).
 - Florian Schmidt asked for an explanation of designated and undesignated fund balance. Van Lieshout stated that designated refers to the amounts of fund balance that have been accumulated in prior years for specific future uses. Undesignated refers to the remainder of all other monies accumulated in prior years as the excess of revenues over expenditures. He continued that good accounting practices require that ¼ of expenditures be kept on hand as fund balance in order to pay for upcoming expenditures while waiting for revenues to be received. Stated that in addition to TIF revenue generated by the Village levy, school districts and other taxing authorities also generate TIF taxes and all of that income is retained by the Village to pay off TIF loans.
 - Joel Grenzer, N7861 Rocksbury Ct., asked what the largest budget increases consisted of. Van Lieshout replied that the largest single line item increase was in the public safety, fire protection section of the budget. The Village is required by the Public Service Commission to pay \$133,000 to the Water and Sewer Utility for fire hydrant rent. This is an increase over \$84,000 budgeted in 2000. The increase is due to increases in the rate file set by the PSC and also due to an increase in the number of hydrants installed in the Village as a result of new development.
 - Amy DeBruin, asked if the Village can recoup those costs in the form of impact fees paid by developers. Van Lieshout stated that hydrant rent is an annually recurring expenditure, which cannot be passed back to developers. DeBruin stated that tax increases are largely due to development. At the Community Planning Forum, she continued, a majority of citizens expressed interest in limiting development. She stated that developers should be required to “pay dearly” to develop here, thus keeping the Village small and retaining its rural character. She commented that the tax increase should be kept to single digits.
 - Don Smith, questioned whether all expenditures related to development can be passed back to the developers. Van Lieshout replied that costs incurred in the process of development are, in fact, reimbursed to the Village.

- James A. Dhein, N441 Military Rd., opined that the Village can substantially cut its fire protection costs by setting up its own fire department, utilizing used equipment and shared facilities. His opinion, he said, is based on 32 years of experience as a volunteer firefighter and 16 years as secretary of the Town of Harrison Fire Department.
- Paul Stelter, asked what percentage of the total property tax is levied by the Village and subject to the 30% percent increase under consideration. After calculation Maxymek reported that the Village portion is 28% of the entire levy. He further stated that infrastructure needs to be maintained in order support the quality of life which attracted him to Sherwood.
- Scott Andrews, stated that it is outrageous to consider a 30% increase. He stated that TIF supported development is responsible for the increase in the tax rate.

Schneekloth reviewed from the minutes of the previous meeting \$70,139 in cuts that the board is considering to decrease the levy to \$6.65 per \$1,000 of valuation as follows:

General Government - \$7,658 Decrease

Village Board- Cut \$4,812 by reducing meetings to 12 per year.

Part-time Administrative- Cut \$646 by eliminating wages and benefits

Capital Outlay- Cut \$1,500 by deleting office and Rec. Plaza painting and carpeting

Other Financing Uses- Cut \$700, eliminating Donations expenditures

Public Safety - \$22,503 Decrease

Building Inspection- Cut \$9,753 by change to non-employee provider

Contracted Public Safety- Cut \$12,750 by deleting contracted policing services through Calumet County Sheriff Dept.

Public Works - \$13,250 Decrease

General Public Works- Cut \$2,950, decreasing Maintenance, Repairs, Supplies

Public Works Capital Outlay- Cut \$10,300 accrued toward future purchase of large equipment and garage improvement

Health and Human Services - \$1,300 Decrease

High Cliff Cemetery- Cut \$300 by deleting repairs

Donations- Cut \$1,000 by deleting contribution to First Responders for purchase of AUD unit

Culture, Recreation \$ Education - \$17,400 Decrease

Parks- Cut \$2,700 by reducing Maintenance, Supplies, and Equipment

Capital Outlay- Cut \$14,700 by decreasing equipment purchases, deleting purchase of trees, deleting drainage improvement to ball diamond/playground areas in Legion Park

Conservation and Development - \$8,028 Decrease

Plan Commission- Cut \$528 in meeting per diems

Planning- Cut \$7,500, by eliminating Neighborhood Level Planning Services

- Tom Doughman, W4816 Springhill Rd., stated that he expects to see increasing taxes, although he hopes that a 30% is not necessary. He also made the following points:
 - saving money by moving to a one time monthly board meeting is unwise
 - Village owned ponds must be supported by budget necessary to maintain them properly
 - as a member of the Parks Board, Doughman asked what will happen if money budgeted for tree planting is cut. Van Lieshout replied that designated fund balance unspent from previous budgets is available specifically for tree planting.
 - He stated it would be wiser to build a cold storage facility to store heavy equipment thus prolonging its useful life rather than to store it outside and exposed to the elements.

- Steve Kamrowski, 5154 Blue Heron Ct., inquired about the \$2,222,000 in budgeted expenditure and how it impacted taxes. Van Lieshout answered that Kamrowski's reference is to the TIF budget and that TIF spending is financed by money raised by the increase in the tax base, which occurs as a result of development created due to enhanced infrastructure. The other source of TIF revenue is unspent debt proceeds. This spending doesn't impact the general fund levy. Asked if TIF revenue can be spent to maintain TIF developments ie. hydrant rent, and thus defray the general fund levy. Frassetto responded that hydrant rent is fixed by the Public Service Commission and is the calculated cost to maintain and repair existing hydrants. He pointed out that all developers, whether TIF related or not, pay for the hydrants and the installation, just as they pay for all improvements. In the case of TIF development, the increased assessed value of improved property over agricultural land translates to increased taxes, all of which is retained by the Village to pay off notes taken out to finance TIF infrastructure. In general, maintenance is not considered a bona fide TIF expenditure, although in some cases equipment used in maintenance has been financed. Frassetto stated that the deadline for completion of TIF projects is September 2002. Following that TIF revenue must be spent to pay off debt, before it can be used to decrease general fund taxes.
- Harland Zietlow, W4895 Golf Course Rd., asked if by reducing Board meetings to one time monthly, legal fees would be reduced by half as well. Schneekloth responded that although there would be a reduction in legal expense, the amount had not been calculated. Zietlow desired to inform attendees on "how the game is played". He stated that the coordinator prepares the budget and takes it to the trustees. The coordinator brought a budget to the Park Board which increased 74%. He stated that the Village President inflated the budget then reduced it to reflect positively on himself. Zietlow stated that the Village had not pursued obtaining of proposals to clean up the Springhill Pond against the concerns expressed by neighboring residents. He objected to the tone of a letter sent by the Village President regarding the large budget increase. He objected to characterization by Schneekloth of the Emergency Numbering System as "ornamental or reflective" numbers, stating that Schneekloth is still fighting implementation of the numbering system that was approved two years ago.
- Mike Cook, Palisades Tr., charges the Board to hold increases to 3-4% by putting off major projects until the TIF is retired, when, he said the tax base will be increased by, perhaps 3 times.
- Scott Andrews stated that TIF supported development is responsible for the increase in the tax rate. He said that the Sherwood tax rate was comparable to rates in larger area cities that provide more services.
- Tom Jack, W4843 Escarpment Ter., noted that the revised budget called for deletion of \$1,000 budgeted for purchase of an AUD unit by the First Responders. He stated that other municipalities served by First Responders are supporting the group but that Sherwood is not paying its share. Schneekloth stated his belief that donations shouldn't be made using tax dollars and that First Responders could raise funds for equipment purchases in other ways such as special events or direct appeal for private contributions.
- Barb Jack, W4843 Escarpment Ter., asked if Schneekloth would be willing to commit to this kind of contribution himself. He responded in the negative to the request.
- Jerry Culhaney, asked how the Village Board gets the authority to raise taxes and at what level of increase a referendum is required. Attorney Frassetto responded that State Statutes require the Village Board to set the budget and raise taxes. The statutes also require that a public hearing be held before adoption of the budget. As to the amount of the appropriations, it depends on the needs of the municipality and there is no ceiling. In response to Culhaney's inquiry about whether the taxpayer has any recourse if he

disagrees with the levy decision, Frassetto said that he can vote for a different board at the next election. Upon further inquiry about the issue of pond maintenance Frassetto reported upon a controversy raised earlier in the year regarding a request by some residents for public cleanup of a privately owned pond.

- Shafi Hassein, stated that he believes the Village has a responsibility to support First Responders in their purchase of equipment.
- Steve Kelly, Lake Breeze Ln., recommended a moderate tax increase, saying that large increases will stop people from moving into the community.
- Karla Sendelbach, W5095 Fox Ln., is opposed to 30% increase but supports giving money to First Responders. Also stated that attention needs to be paid to improving drainage problems. Expressed concern over spending on a turnoff lane and railroad crossing at Pigeon Road. She fears that improvements on Pigeon Road to accommodate traffic from the State Park will only cause increases in speed and create a safety hazard.
- Clarence Zahringer, 424 Veterans Av., stated opposition to large increases. Supports the outlined cuts, saying that the many senior citizens, particularly long term residents on fixed incomes cannot afford additional taxes.
- Scott Sheppard, Robinhood Dr., echoed the sentiment expressed by Mr. Zahringer, saying that young families are equally affected by large tax increases. Asked how much spending could be reduced by volunteer efforts. Also suggested that e-mail could be used to cheaply disseminate information such as public hearing notices to the community.
- Karen (last name inaudible) asked what other factors were involved in the larger line item increases. Van Lieshout responded that the Board will vote on deletion of \$8,000 to install an under-drain system to drain the baseball field in Legion Park; \$6,000 budgeted for planting of trees on public property; and \$12,750 in contracted patrolling services by Calumet Cty. Sheriff Department. The Board has discussed retaining \$12,000 budgeted for repair to the roof and fascia on the pavilion and public washroom facilities in Legion Park. Regarding contracting for services with Calumet Cty. Sheriff Department, Mr. Dhein said that of each 10 hours of contracted services 3 hours would likely be spent in travel time by officers to and from Chilton and in court appearances following citations. He also commented that the Sheriff Department is already funded by Sherwood tax dollars and that he wants any such spending to be brought to referendum before entering a contract.
- Corey Micholic, Clifton Road, stated his opposition to a 30% rate increase. He then asked where drainage from the proposed under-drain improvement to the baseball field would run off. He expressed concern that more run-off would drain to his property increasing an existing drainage problem.
- Pat Wnek, N7738 Sundown Ct., commented that he sees no need to raise taxes beyond the current mill rate. He stated the First Responders should receive funding but sees no need for contracted policing services.
- Tracy Schmitz, stated she wanted to see controlled development, does not see a need to build more ponds, and believes that more important problems such as drainage control should be attended to.
- Jeff Holz, Nottingham Ct., suggested cutting increases to a 3-7% level and looking at internal issues to determined what kind of improvements or purchases can be cut/postponed to the future.
- Kate Zietlow, W4895 Golf Course Rd., stated that the Board had put in many hours working on behalf of the Village, developing the budget and that attendees did not participate in the process when they had the opportunity. She stated that more budget cuts should be made and referred in particular to administrative training and conferences

budgeted at \$1000 and administrative publications/subscriptions and dues budgeted at \$4000. Zietlow questioned why the Board needs so much information.

- Tom Behren, Timberline Drive, stated that in the eleven years of residency his taxes have increased from \$2,300 to \$4,600. Suggested that when considering the budget the Village should go with real needs rather than a wish list. Stated that donations to First Responders should be voluntary, not through taxation. He made a commitment to contribute and urged others present to do the same.
- Connie Rank-Smith, Natures Ct. questioned when the TIF will be paid off. Schneekloth responded that TIF debt will be paid off in approximately 10 years from now which is 5 years earlier than the required 23 year pay off.
- Dave Miller, W4807 Springhill Dr. thanked those attending for coming out. He said that it is unfortunate that the turn-out was heavy because of a misleading letter sent to some of the village residents. He then urged those who were sincerely interested in working on behalf of the Village to run for office.

Following three calls for comment Schneekloth announced the Public Hearing closed. He then called for an immediate vote on the 2001 Budget Ordinance.

- a) Motion to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 00-72 – ***Schneekloth moved to waive two readings of the Budget ordinance. Beach seconded. Motion carried with Milheiser opposed.***
- b) Adoption of Ordinance 00-72 declaring 2001 Budget – ***Schneekloth moved to approve the Budget Ordinance with changes to the General Fund as listed previously: General Government decreased by \$7,658, Public Safety decreased by \$22, 503, Public Works decreased by \$13,250, Health and Human Services decreased by \$1,300, Culture, Recreation and Education decreased by \$17,400, Conservation and Development decreased by \$8,028, and to further reduce the tax rate by transferring \$15,000 from fund balance designated for garage expansion. Beach seconded. Barribeau requested division of the question. Seconded by King. Division as follows:***

General Government – Barribeau amended the motion, retaining \$4,812 in Village Board Personnel Expenditure , saying that one Village Board meeting per month is insufficient. Milheiser seconded the amendment. Amendment carried in a voice vote with Barribeau, King, Milheiser, Thomson voting aye. Beach and Schneekloth voted nay.

Barribeau interceded, with a second by Thomson, to give a history of past tax rates. Barribeau reported changes in rates, saying that in 1994 the rate increase was 36.3%, followed by 9.4% and 24.8% increases in the next two years for a high of \$9.12 per thousand in 1996. Thereafter the rate decreased to \$7.19, \$6.27, \$6.22 and to \$6.04 in the 1999/2000.

Public Safety – No amendments.

Public Works – Barribeau amended the original motion to retain \$250 for additional safety equipment in the Training/ Conference/Safetyline item that was reduced in the main motion. Milheiser seconded. Amendment failed in a tie voice vote with Barribeau, Milheiser, Thomson voting aye. Beach, King, and Schneekloth voted nay.

Milheiser moved to amend the main motion, retaining \$10,300 in capital outlay accrual for equipment replacement and garage expansion. King seconded. Amendment carried in a voice vote with Barribeau, King, Milheiser, Thomson voting aye. Beach and Schneekloth voted nay.

Health & Human Services – Barribeau moved to amend to retain \$1,300 in cemetery repairs and donation to First Responders for purchase of an AUD. Milheiser seconded. Amendment carried in a voice vote with Barribeau, Beach, King, Milheiser, Thomson voting aye. Schneekloth voted nay.

Culture, Recreation & Education – Milheiser moved to amend to retain \$2,700 for repairs and maintenance and equipment for parks and Rec. Center. Barribeau seconded. Amendment failed in a tie voice vote with Barribeau, King, Milheiser, voting aye. Beach, Thomson and Schneekloth voting nay.

Conservation & Development – No amendments.

Transfer from Designated Fund Balance – No amendments.

Barribeau moved to eliminate \$65,000 from the Capital Projects Fund Budget, \$50,000 for constructing a turning lane at Pigeon Road and \$15,000 for railroad crossing signals at Pigeon Road. He rescinded the motion when informed that these items were not part of the General Fund Budget and deletion will not affect the levy rate.

The original motion to approve the 2001 Budget with the above-attached amendments carried on a roll call vote with Barribeau, King, Milheiser, Thomson, Schneekloth voting aye and Beach voting nay.

Following recalculation of 2001 budget the Clerk read Ordinance 00-72 appropriating the necessary funds for the operations of the government and administration of the Village of Sherwood for the year 2001 by a levy in the amount of \$386,944 for General Fund purposes and \$4,769 for Debt Service Fund purposes. This totaled \$391,713 for a rate per \$1,000 of assessment of \$6.67. **Milheiser moved to approve Ordinance 00-72. Barribeau seconded.** Milheiser responded to an inquiry from Beach that this represented a \$.63/10.4% increase over the 2000 rate. On a roll call vote the motion carried with aye votes cast by Barribeau, King, Milheiser, Thomson, Schneekloth. Beach voted nay.

6) Consent Agenda – No business.

7) Report of the Utility Commission

Action Items

- 1) Recommend adoption of 2001 Water and Sewer Budget.
- 2) Recommend acceptance of utility plans for 2nd Addition to Cliffwood Estates conditional to Village Engineer's letter.
- 3) Recommend acceptance of utility plans for Windswept Shores II conditional to Village Engineer's letter.
- 4) Approved amendment to Utility Personnel Policy clarifying the maximum sum reimbursed for safety boots, safety shoes or thermal insulated footwear.

For Information Only

- Meadowcliff project complete.
- Honeywell bill objection tabled until landscaper is contacted.
- No action necessary for State Park Estates III. Utilities were installed with State Park Estates II.
- Correspondence has taken place between Lakeshore Estates LTD and the Utility to resolve the liability of sewer over sizing from 1999.

Milheiser moved to approve the Report of the Utility Commission. Schneekloth requested separation of item 1). Barribeau seconded motion to approve items 2), 3), 4). Motion carried unanimously. In regard to item 1), Milheiser explained that in order to balance the Sewer Fund Budget \$ 16,622 from fund balance reserves was transferred to revenues. Thus an increase in sewer rates was avoided. ***Milheiser moved to approve the Water/Sewer Fund Budgets. Barribeau seconded. In a roll call vote the motion carried with Barribeau, Beach, King, Milheiser, Thomson voting aye and Schneekloth voting nay.***

- 8) Report of Village Officers
 - a) President – No report.
 - b) Clerk/Treasurer – No report.

- 9) Public Works Supervisor
 - a) Request motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

- 10) Village Coordinator
 - a) Review and adoption of the Village of Sherwood Personnel Policy – Van Lieshout reported making changes requested by the board to the policy. He expressed concern that personal time allotted to the clerk in recognition of extended hours worked on elections days was reduced from four days to four hours. ***Milheiser moved to approve the personnel policy amended to provide eight hours of personal time for each day of election worked. Schneekloth seconded.*** He stated, however, that he believed this was a management issue and that when a salaried employee worked excessive hours management should assure that time be taken off as the work-load permits. ***Motion carried.***

 - b) Approval of 90-day moratorium on zoning permits for multiple family dwellings for three or more families – ***Milheiser moved to approve the moratorium in view of needed amendments to the zoning code arising from the recent passage of the Comprehensive Plan. King seconded. Motion carried.***

- 11) Village Attorney – Attorney Frassetto reported that the judge authorized all clean-up cost of the Hawkinson property and 25% of attorney fees added as a special charge to the property tax bill. At such time that the property is sold to pay back taxes, other costs of moving and storage can be recouped from the purchaser before the title is cleared. Frassetto also reported that that an offer to purchase property from Enola Miller had been countered and after review is generally acceptable. Purchase of the Gehl property for purposes of storm water detention is scheduled to close in the coming week, he also stated.

Following the departure of Schneekloth, at 9:45 p.m. Barribeau was appointed acting chair. ***Barribeau made a motion to move into closed session per State Statute 19.85(1)(c) as stated above. King seconded. Motion carried.***

Milheiser moved to return to open session at 10:10 p.m. Second by Thomson. Motion carried.

Milheiser moved to increase the pay level of the Public Works Supervisor to \$13.00 per hour and to end the probationary period in that position effective immediately. Milheiser further moved to reconsider the 2001 budget approval to transfer monies to cover increases in public works wages and benefits from the legal litigation line of the general government budget. Barribeau seconded. Motion carried.

12) Adjournment – Milheiser moved to adjourn at 10:15 p.m. Beach seconded. Motion carried.

Respectfully Submitted,

Ellen Maxymek
Village Clerk

Village Board Meeting Minutes

December 11, 2000

- 1) Call to Order and Roll Call: Vice President Laux called the meeting to order at 6:30 p.m..
Roll was called as follows:

Present

Bill Barribeau
Joe Beach
Joyce Laux
Andy King
Lynn Milheiser
Carl Thomson

Absent

Don Schneekloth

Others Present

Steven Frassetto, Village Attorney
Joshua Van Lieshout, Coordinator
Bill Diedrick, Public Works
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of Minutes: ***Laux moved to approve the minutes of the Joint Plan Commission and Village Board meeting of November 16, 2000. Barribeau seconded. Beach asked that the minutes reflect that three parcels, W431 & W451 Clifton Road and N433 Military Road including the adjoining lot to the north, were incorrectly recorded as use and he requested the use be corrected to two-family residential before the plan was adopted. Motion carried.***
- 4) Registered citizen comments on agenda items – None
- 5) Consent Agenda
- a) Approval of Application for Operator's License
- i) Lisa Summers
- Milheiser moved to approve the license application. Thomson seconded. Motion carried.***
- 6) Report of Plan Commission –
- Action Items
- a) Recommended rezoning of a parcel of land located in part of the NW ¼ of the SE ¼ and part of the NE ¼ of the SW ¼ of Section 30 Town 20N Range 19E, Village of Sherwood from Ag to R-1B for the purpose of a residential subdivision development: No action required. The proposed amendment to the zoning map will be brought before the Board after publication and a public hearing.
- b) Recommended approval of Preliminary Plat for the Second Addition to Cliffwood Estates to include construction by the developer of a gravel trail surface within a 25' setback from the back lot-line of Lots 40 through 48. Approval will be contingent on the developer furnishing to the Village of Sherwood a construction easement across an unsold/undeveloped lot, which lot the Village agrees to restore to its prior condition. The developer agrees to create a privacy berm on his property at the back of lots 47 and 48: ***Barribeau moved to approve the Preliminary Plat. Milheiser seconded. Motion carried with Beach voting nay.***
- c) Recommended approval of a Preliminary Plat for Windswept Shores II. A condition of approval is the grading of a ditch lines along State Park Road to a specified grade and installation of an under-drain system if a grade of at least 0.5% can not be achieved. ***Milheiser moved to approve the Preliminary Plat. Second by Barribeau.*** Beach requested clarification that subdivision owners will bear all responsibility for future

upkeep and maintenance of ponds which are part of the storm water system in the plat. Frassetto stated that stipulation to the requirements would commonly be placed on the final recorded plat. The subdivision owner and engineer voiced agreement to the stipulation. ***Motion carried.***

d) Recommended approval of a Preliminary Plat for State Park Estates III: ***Milheiser moved to approve the Preliminary Plat. Barribeau seconded. Motion carried.***

e) Recommended approval after public hearing of zoning code amendments to Section 4(b)(6)(a) adding “except enterprise operations” and amending Section 4(c) adding 7(a) to include as a conditional use in the C1, C2, and C4 zoning districts Government Services, enterprise operations: No action required. The amendment to the zoning code will be brought before the Board after a publication and public hearing.

7) Report of Village Officers

a) President

b) Clerk/Treasurer

i) Review of Financial Reports – Reports were reviewed. No action was required. Laux noted that Internet service was listed among the current payments and asked if this meant a web-site was set-up. Van Lieshout stated that the service provided for e-mail capabilities but that in the future a web-site may be created.

ii) Approval of Invoices Over Budget – ***Milheiser moved to approve payment of \$2,782 in invoices over group budgets.***

iii) Approve 2000 Budget Amendments – After review of the 2000 budget amendments which necessitate \$33,000 in transfer from designated and undesignated fund balance, ***Milheiser moved to approve. King seconded. Motion carried.***

iv) Appointment of Election Officials 2001-2003 – ***Barribeau moved to approve the appointments. Second by Milheiser. Motion carried.***

v) Approval of Village Newsletter – Changes from the distributed draft copy were noted. Discussion took place regarding Superior Services policy change refusing pick-up of paper recyclables if bound in plastic bags.

Discussion followed regarding an article submitted by Harland Zietlow soliciting volunteers interested in putting together a grant supported newsletter of local interest.

Beach suggested that thanks be expressed in the Village newsletter to TDS Telecom for putting up the Christmas decorations in the Village.

Milheiser moved to approve the newsletter with the suggested correction. Barribeau seconded. Motion carried.

vi) Advisement Regarding Dog Clinic – Consensus advised that the pet clinic be continued. Clerk was instructed to contact Dr. Dees or another vet to continue the clinic and to schedule it in January. Milheiser reported that dog license fees covered the minimal expense and that it was a service and incentive to get the animals licensed.

- 8) Public Works Supervisor
 - a) Request motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

- 9) Village Coordinator
 - a) Approval to approach Town of Harrison regarding petitioning the Office of the Commissioner of Railroads: Van Lieshout reported that Town of Harrison was willing to support the Village in it's efforts to petition the Office of the Commissioner of Railroads for a signalized railroad crossing at Pigeon Road. The crossing lies within the jurisdiction of the Town. By initiating this petition the Village will commit to a 10% match, approximately \$10,000, to finance the project in conjunction with Railroad Highway Safety Improvement Funds. The Village will undertake all the work involved with this effort. ***Milheiser moved to approve a letter formally requesting that the Town send the letter of petition. King seconded. Motion carried.***

 - b) Approval of 2001 schedule of zoning, land use, residential and commercial permit fees: Van Lieshout reported that Paul Hermes, formerly building inspector for Village of Kimberly, has agreed to perform inspection services as a contractor. He stated that the increases in fees, if approved, will be approximately 15% higher than the previous schedule. After discussion, ***Beach moved to approve all fee increases except the Land Use Permit fee, which will be maintained at \$25.00. Laux seconded. Motion carried.***

- 10) Presentation of correspondence, resolutions and related matters:
 - Van Lieshout reviewed a letter from the County Highway Department which stated that they will be grinding and repaving CTH M from 114 to HWY 10 in 2002. The letter informed that it is the responsibility of the Village to pay the estimated \$25,000 to repave the 16' of shoulder for .8 of a mile if the Village wants a uniform reconstruction. In the alternative the Village can choose not to repave the shoulder and the County will repave only the 24' of driving lane. Van Lieshout suggested that he and the Village Engineer check out the shoulder and determine whether repaving is necessary before bring the issue back before the board at a later time.

 - Frassetto stated that an article in the League of Wisconsin Municipalities publication was unclear as to revisions of state statutes regulating the governing and supervision of utility commissions. He has contacted the League for clarifying materials and a copy of a model ordinance governing utility commission operations.

 - The Clerk stated that since the next meeting date fell on Christmas Day there would be no meeting until January 8, 2001.

 - Upon inquiry by Barribeau, Van Lieshout reported that he would be scheduling a joint meeting of the Plan Commission and the Village Board to discuss the approved Comprehensive Plan on January 22, 2001. The purpose of the meeting will be to invite input from the Towns of Harrison and Woodville and the Calumet County Planning Department. Arrangements for the meeting will be made after final copies of the Plan are delivered.

Laux made a motion to MOVE INTO CLOSED SESSION at 7:45 p.m., per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation. Milheiser seconded. Motion carried.

Barribeau moved to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.at 7:55 p.m. Thomson seconded. Motion carried.

Laux moved to increase the wage of the Public Works Supervisor retroactive to action taken by the Board on November 27, 2000 to end the probationary period. Thomson seconded. Motion carried.

Milheiser moved to reconsider the approval of the 2000 Budget Amendments. Barribeau seconded. Motion carried.

Milheiser moved to incorporate the adjusted Public Works Supervisor wages in the amended Public Works Wages line item of the 2000 Budget. Barribeau seconded. Motion carried.

Milheiser moved to strongly recommend to the Utility Commission that they require a Commercial Driver's License of one member of the Utility personnel so that the individual can be a back-up in case of an exceedingly heavy snowfall event. Seconded by Barribeau. Motion carried.

Laux move to approve a date extension for use of vacation time in 2001 by requesting employees. Milheiser seconded. Motion carried.

11) Adjournment – Milheiser moved to adjourn at 8:05 p.m. Beach seconded. Motion carried.

Respectfully submitted,

Ellen Maxymek
Village Clerk