

# Village Board Meeting Minutes

January 8, 2001 Time: 6:30 p.m.  
Village of Sherwood Community Center

- 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**

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

**Others Present**

Steven Frassetto, Village Attorney  
Josh VanLieshout, Coordinator  
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of Minutes: *Barribeau moved to approve the minutes of December 11, 2000. Milheiser seconded. Motion carried. Barribeau moved to approve the minutes of November 27, 2000. Milheiser seconded. Motion carried. Beach requested that the minutes of November 27 be clarified as follows: Page 5 item 5b) General Government – Barribeau amended the main motion, to retain \$4,812 in Village Board expenditures. Page 6 5b) Public Works – Milheiser moved to amend the main motion, to retain \$10,300 in capital outlay accrual.*
- 4) Registered citizen comments on agenda items: None
- 5) Public Hearing: 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. *After three unanswered calls for public comment Schneekloth declared the hearing closed.*
- 6) Public Hearing: Amendment to Section 4(b)(6)(a) adding “except enterprise operations”, 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. *After three unanswered calls for public comment Schneekloth declared the hearing closed.*
- 7) Consent Agenda
- a) Approval of Application for Operator’s License
- i) Nate Alpin  
*Milheiser moved to approve the above application for an Operator’s License. Barribeau seconded. Motion carried.*
- 8) Report of Utility Commission – The report was accepted. No action was required.
- Action Items**
- Approved partial payment to Advance Construction for work completed on the Meadowcliff Condominium Project. Advance will return to complete work on the fourth building, which has not been performed due to difficulty in accessing the building.

**For Information only**

- Postpone decision to approve McMahon Proposal for Service to produce specifications and obtain bids for installation of an electrical booster on Well #5. Commissioners

questioned whether a formal bid process is necessary and asked for more information from the engineer in this regard.

- Approved requiring a Utility employee to obtain a CDL license in order to provide a back-up to the Public Works staff in case of an extreme snowfall event.
- Discussed possible generation of revenue by leasing antenna rights on the water tower. Requested the coordinator obtain information about possible reception interference.

9) Report of Village Officers

- a) President – Schneckloth asked for clarification from Van Lieshout regarding an allegation made by Ronald Wenzel at a prior meeting. Van Lieshout stated that the point of entrance from the Village roadway was in accordance with the driveway ordinance and was not interfering with the Wenzel driveway.
- b) Clerk/Treasurer
  - (1) Reviews of Financial Reports – The financial reports were presented. No action was required.

10) Village Coordinator

- a) 1999 Management Letter—Conflict of Interest Item – Van Lieshout, after conferring with Attorney Frassetto, stated that a reaffirmation of awareness that public officials and employees are bound by Wisconsin statutes regarding ethical practice and conflicts of interest will suffice to meet the intent stated in the auditor’s management letter.  
***Barribeau moved to reaffirm by voice resolution Wisconsin Ss 19.59. Laux seconded.*** Schneckloth stated that candidates for office should be given information on their ethical obligations vis-à-vis the statute. ***Motion carried.***
- b) Rip-rap shoreline of Village owned ponds in State Park Estates—Requires Amendment to TIF Budget – After meeting with Dick Nicolai of DNR, Van Lieshout stated that trapping of muskrats that are eroding the shores of the two Village owned ponds in Lake Shore Estates is problematic due to the danger of the traps. He suggested raising the water elevation thereby backing up water into the dens of the animals. He also reported the need to rip-rap along the edges of the ponds because water action is also breaking down the shorelines. A local excavator has estimated a cost of \$55,000 to set in broken stone along the shorelines. The TIF budget would have to be amended to finance the project. This would mean cutting other TIF projects, however. Frassetto established that this would be a budget amendment only, not an amendment to the TIF Project Plan. Van Lieshout stated this would be a final phase of construction of the ponds. Barribeau reported that Calumet County offers an 80/20 cost share match and suggested that Van Lieshout contact the County Land Conservation Department for information on funding assistance. Action will be brought forward at a future meeting.
- c) Approval of Zoning Map Amendment Cliffwood Estates II from Agriculture to R-1B, Single Family Residence – ***Beach moved to approve amending the zoning map changing the zoning of Cliffwood Estates II from Agriculture to R-1B, Single Family Residence. Laux seconded. Motion carried unanimously.***
- d) Approval of Amending Section 4(b)(6)(a) adding “except enterprise operations” and Section 4(c) adding 7(a) to include as a conditional use in the C1, C2, and C4 zoning districts Government Services, enterprise operations - ***Laux move to amend the zoning ordinance text as stated. Schneckloth seconded.*** Van Lieshout stated that action to

approve will afford the Village more control over the building of a post office in the commercial district. ***Motion carried unanimously.***

11) Presentation of correspondence, resolutions and related matters.

- a) Clerk was instructed to check the 2001 Budget, and if a donation to the East Shore Humane Association was budgeted, to bring forward as an action item on the next agenda.
- b) Beach asked if Van Lieshout and the Engineer have checked the parking lanes along Military Road to determine if they should be re-paved. Van Lieshout stated the roadway would be checked in the spring when it is free of snow.
- c) Responding to Schneekloth, Van Lieshout reported that no responses have been received to an invitation to meet regarding the Master Plan. Allison Blackmer has said she would like to be present if she has an opening in her schedule.
- d) Frassetto reported that the Hawkinson property has been cleaned up. If it is reported that he is filling the yard up with junk again Frassetto should be notified immediately so that the judge can intervene. The bill for clean-up has been forwarded to the Village for payment and can be put on to the 2001 tax bill or paid when the property is foreclosed.
- e) Laux inquired when the Village would be required to break into wards. Maxymek stated that the state would notify when the split is required, but it will occur after the 2000 Census reports the population over 1000. Barribeau reported that there is a two-year window for compliance following notification.
- f) Thomson objected to negative comments reported in the press and attributed to Schneekloth. He asked Frassetto to clarify that it his obligation to bring constituent concerns before the board. Frassetto replied that trustees may bring issues before the Board when they involve trustee owned property which may be located proximate to the area of concern. No conflict violation would exist solely because of the location of the owned property.

***12) Adjournment – Thomson moved to adjourn at 7:00 p.m. Milheiser seconded. Motion carried.***

Respectfully submitted,

Ellen Maxymek, Clerk

# Village Board Meeting Minutes

January 22, 2001

- 1) Call to Order and Roll Call – The meeting was called to order by Vice President Laux at 6:55 p.m. and roll was called:

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Carl Thomson

**Absent**

Andrew King – Excused  
Don Schneekloth – Excused

**Others Present**

Steve Frassetto, Village Attorney  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works  
Scott Nadler, Public Works  
Terry Woller, Utility

- 2) Registered citizen comments on agenda items

- Ron Wenzel, N7751 Windswept Ln. re. meeting minutes of January 8, 2001. Wenzel made a statement objecting to the recording of a point of clarification requested by Don Schneekloth at the meeting of January 8, 2001. Wenzel further stated, “I talked to Van Lieshout last week. He said, ‘Don better not attempt to change the driveway entrance in any way.’.”

- 3) Approval of Minutes January 8, 2001 – *Milheiser moved to approve the minutes, striking from Agenda Item 9)a the phrases... Van Lieshout had been forced to decide in favor of Schneekloth’s position in a driveway boundary dispute. Van Lieshout stated he had not been coerced in any way. Barribeau seconded. Motion carried.*

- 4) Consent Agenda

- a) Approval of Application for Operator’s License – *Milheiser moved to approve the application of Teresa Anderson. Barribeau seconded. Motion carried.*

- 5) Report of Utility Commission

- a) Recommend adoption of 2000 CMAR Resolution – *Milheiser moved to approve adoption of the Compliance Maintenance Resolution. Barribeau seconded. Motion carried.*

- b) Accepted quotations from Werner Electric and Action Electric totaling \$8096.50 for a soft starter for well #5 - No Board action required.

- c) Recommend adoption of amendment to Ordinance 97-62, Wellhead Protection decreasing setback of storm detention ponds from municipal wellhead – *Milheiser moved to approve the amendment. Barribeau seconded. Motion carried. The approval will take effect following a second reading of the amendment.*

- 6) Report of Village Officers

- a) President

- b) Clerk/Treasurer – Maxymek reported a request from the Heart of the Valley Chamber of Commerce for a \$25 gift certificate to be given away during their annual “Fun Night” event. A donation request from the East Shore Animal Shelter is pending from the prior meeting. At the direction of the Board, Maxymek verified that all donations other than to

the First Responders were cut from the approved budget. Thomson requested that consideration of the First Responders donation for purchase of an AUD unit be taken up at the next meeting. He asked to see the minutes of the meeting during which the donation was previously considered. Maxymek reported that the annual pet clinic took place on January 13. Twelve animals were vaccinated. Three dog licenses were issued to Sherwood owners.

7) Village Engineer

- a) Miller Stormwater Detention Pond Design – Nick Vandehey, McMahon Associates, presented the pond design. The design includes placement of 3 wet ponds on a partial wetland bottom 14.1 acres of property to be purchased from the Enola Miller family. A minimum of 12-12 ½ acres is required to develop this kind of facility. Extensive landscaping will be required, and the detention facility would ideally be planted with prairie grasses and flowers in the dry bottom to avoid the need to mow. Wetland plants would be planted in the wet areas. As part of the purchase offer, excavated fill would be placed on the Miller property but it is unclear whether the fill will be graded. Milheiser questioned the full cost of development of the facility. Vandehey estimated on the high end that the cost of construction would be \$600,000 for land acquisition, engineering, permits and fees as well as construction and landscaping. He estimated that design and specifications can be done by mid February and the bidding process can begin after that date. The DNR approval of application for permit typically takes from 60-90 days. Van Lieshout was directed to try to negotiate a purchase of less acreage. A special meeting of the Board was scheduled for Monday, January 29 at 6:30 p.m. to consider approval of land purchase and project implementation.

8) Village Coordinator

- a) Approval of Final Plat for: Second Addition to Cliffwood Estates – ***Milheiser moved to approve the Final Plat submitted for the Second Addition to Cliffwood Estates conditioned on submittal of an approved drainage plan to the County Land & Water Conservation Office and payment of all fees and reimbursements. Laux seconded. Motion carried unanimously.***
- b) Approval of Final Plat for: State Park Estates III – ***Milheiser moved to approve the Final Plat submitted for State Park Estates III. Barribeau seconded. Motion carried unanimously.***
- c) Approval of Final Plat for: Windswept Shores II - ***Milheiser moved to approve the Final Plat submitted for the Windswept Shores II conditioned on submittal of an approved drainage plan to the County Land & Water Conservation Office and payment of all fees and reimbursements. Laux seconded. Motion carried unanimously.***
- d) Amend TIF Budget—for rip-rapping State Park Estates Ponds – Van Lieshout recommended transferring \$60,000 from the amount budgeted for development of Wannick Park to be budgeted for completion of the State Park Estates ponds. After discussion ***Milheiser moved to table. Laux seconded. Motion carried.***

9) Public Works Supervisor

- a) 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.

10) Presentation of correspondence, resolutions and related matters

- Upon inquiry by Barribeau, Van Lieshout reported that the first batch of emergency numbering signs has been received. Diedrick asked for instructions for mounting the signs. He was instructed to mount the signs on the mailbox post. If there is no mailbox post or if it is not positioned in front of the dwelling the placard should be mounted on a stake. If the building had no grounds and is 20 feet or less from the street the sign can be mounted on the building close to the main entrance.

***Milheiser made a motion at 8:35 p.m. to move into closed session per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation. Seconded by Thomson. Motion carried.***

***Milheiser moved to return to open session at 9:10 p.m. Laux second. Motion carried.***

***Milheiser moved and Thomson seconded to approve a 3.5% wage increase to the Public Works personnel. Motion carried unanimously.***

***11) Adjournment – Milheiser moved to adjourn at 9:17 p.m. Barribeau seconded. Motion carried.***

Minutes respectfully submitted,

Ellen Maxymek, Village Clerk

# Village Board Meeting Minutes

January 29, 2001

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

<b>Present</b> Bill Barribeau Joe Beach – arriv'd 6:34 Andrew King – arriv'd 6:37 Lynn Milheiser Don Schneekloth Carl Thomson	<b>Absent</b> Joyce Laux - Excused <b>Others Present</b> Steve Frassetto, Village Attorney Gary Rosenbeck, Village Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
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- 2) Pledge of Allegiance
- 3) Approval of Minutes January 22, 2001 – ***Barribeau moved to approve the minutes of January 22, 2001. Milheiser seconded. Motion carried.***
  
- 4) Registered citizen comments on agenda items – None
  
- 5) Village Coordinator
  - a) Approval of purchase of Miller property for storm water detention – Van Lieshout reported that the Miller family wishes to divide the property at a specific point and will not negotiate any further for the sale of less acreage. Additionally, because they do not wish to encumber their remaining property in any way, the family refuses to allow any type of easement, specifically drainage easements. Rosenbeck stated that the Village does not need drainage easements since the proposed detention basin will be sufficient to collect even a 100-year rainfall event. ***Schneekloth moved to approve the purchase of 14.145 acres at \$212,310 plus associated closing fees as required. Milheiser seconded the motion. In a roll call vote, Barribeau, Beach, King, Milheiser, Schneekloth, and Thomson voted aye. No nay votes were voiced. Motion carried unanimously.***
  
  - b) Discussion and approval of rip-rapping State Park Estate ponds, requiring amendment to TIF budget in sum of \$60,000 – Van Lieshout reported meeting with Kurt Calkins of Calumet County Office of Land Conservation on a walk-through to assess the condition of the State Park Estate ponds. Calkins is not prepared to render an opinion until he has the opportunity to view the site following snow-melt. At that time he will be more able to fully assess damage and will also look into possible funding aid. For this reason Van Lieshout suggested postponing further action until spring when more information is available.  
  
Rosenbeck reported that erosion to the banks of the ponds is primarily from wave action. When asked why the ponds did not hold up to erosion, Rosenbeck offered a historical review. A committee was formed, he said, to assure that the Village was getting sound technical advice. Decisions were made regarding pond construction which were not without argument from the engineer. Although Rosenbeck was a member of the committee, political will prevailed in the case of the State Park Estate ponds. He pointed out that the Mustang Acres pond, built subsequently, was constructed with rip-rap. Rosenbeck stated that when rip-rap is placed in the State Park Estates pond the rock material will need to be installed in steps to keep it from rolling down the embankment.  
  
Beach stated when the budget is amended transfers should be made within the stormwater detention budget, not by redirecting budget allocated to TIF Park development.  
  
This item having been tabled at a previous meeting, no action was required or taken.
  
- 6) Presentation of correspondence, resolutions and related matters – None
  
- 7) Adjournment – Barribeau moved to adjourn at 7:15 p.m. Beach seconded. Motion carried.

Respectfully submitted,

Ellen Maxymek  
Village Clerk

## Village Board Meeting Minutes

February 12, 2001

- 1) Call to Order and Roll Call – The meeting was called to order at 6:30 p.m. In the absence of the President and Vice President, ***Lynn Milheiser moved to appoint Bill Barribeau Acting Chair. Carl Thomson seconded. Motion carried.*** The Clerk called the roll as follows:

**Present**

Bill Barribeau  
Andy King  
Lynn Milheiser  
Carl Thomson

**Absent**

Joe Beach – Excused  
Joyce Laux – Excused  
Don Schneekloth – Excused

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of Minutes – ***Milheiser moved to approve the minutes of the January 29, 2001 meeting. Thomson seconded. Motion carried.***
- 4) Registered citizen comments on agenda items - None
- 5) Consent Agenda – None
- 6) Report of Village Plan Commission
- Recommended approval of amendments to sections 3(b)(4), 3(d)(1), and 3-1(4)(c)(1) of the Village of Sherwood Zoning Ordinance, No. 65 to allow as a conditional use multiple family projects with 3 units per structure or less in R-3, C-1 and C-3 zones, and 4 units or less in R-4, C-1 and C-4 zoning districts. The recommendation included the additional incorporation of design guidelines adopted in Section III, C, 3), i, of the Land Use Plan.

Van Lieshout explained that these changes to the Zoning Ordinance would have the effect of disallowing multi-family structures with more than 3 units except by conditional permit. Further development of amendments to incorporate design guidelines will be required before they are brought to public hearing and before the Board for adoption.

Frassetto advised the Board that developers are likely to be discouraged entirely by low-density requirements. He also reported that there is some case law that disallowed enforcement of such code amendments as pertained to projects already in the pipeline when the amendment was enacted. Some constitutional issues may apply if requirements are too stringent. Milheiser stated that citizens specifically advised at the beginning of our comprehensive planning that they did not want to see large-scale development of multi-family structures.

- 7) Report of Village Officers



- a) President
  - b) Clerk/Treasurer
    - i) Finance Reports for Review – Reviewed without comment.
    - ii) Consideration of Donation to Harrison First Responders – ***Thomson moved to make a donation of \$2,300 to Harrison First Responders for purchase of an AUD unit. Milheiser seconded. Motion carried.***
    - iii) Appointment of Election Inspectors – ***Milheiser moved to appoint Mary Ann Freund and Terry Troestler as election inspectors. Thomson seconded. Motion carried.***
- 8) Village Coordinator
- a) Review and approve contract with Coordinator – Reviewed in closed session.
  - b) Approve response to Town of Harrison letter of January 25, 2001 re. railroad signals at Pigeon Road – Frassetto prepared an Acknowledgement of Responsibilities to assure Town of Harrison that the Village will accept responsibility for all costs related to petitioning the Office of the Commissioner of Railroads to determine the adequacy of warning devices at Pigeon Road railroad crossing. The Acknowledgement also assures Village responsibility for fees and other expenses associated with the installation of these crossing signals and indemnifies and holds harmless the Town from any claims. ***Milheiser moved to approve the Acknowledgement of Responsibilities. Thomson seconded. Motion carried.***
- Frassetto further stated the State of Wisconsin requires a guarantee on behalf of the Town of Harrison of a 10% funding match to the Railroad Highway Safety Improvement Fund. ***Milheiser moved to designate \$15,000 in reserved fund balance. Thomson seconded. Motion carried.***
- c) Introduction of Ordinance 01-73 placing a 90-day moratorium on issuance of zoning permits for multi-family homes commencing on March 7, 2001 – Van Lieshout stated that this Ordinance, which requires two readings, extends the moratorium that was passed by resolution on November 27, 2000. ***Milheiser moved to approve the first reading of Ordinance 01-73. Thomson seconded. Motion carried.***
  - d) 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.
- 9) Village Attorney – Frassetto reported that the purchase of a 14 acre portion of the Miller property has been completed. He also stated that Ron Hawkinson failed to redeem the property removed to storage and that it was sold for scrap per court order.

He asked that the coordinator monitor reports of re-violation. If necessary Frassetto will file a motion of contempt of court.

10) Village Engineer - None

11) Presentation of correspondence, resolutions, and related matters

a) Fox Cities Chamber of Commerce, correspondence and resolution recognizing the Kettl Commission findings – Discussion regarding the Kettl Commission summary report and Calumet County Resolution 2000-42 “supporting the continuing efforts to study the recommendations of the Kettl Commission and further encourage state and local municipalities to work together”.

b) Non-metallic mining reclamation program—Calumet County – General discussion and reminder of February 21, 2001 meeting on the reclamation law and its requirements.

- *Milheiser made a motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation at 7:25 p.m. Thomson seconded. Motion carried.*
- *Thomson moved to return to open session at 8:30 p.m. Milheiser seconded. Motion carried.*
- *Milheiser moved to approve an employment agreement between Village of Sherwood and Joshua Van Lieshout with changes as follows: Section 4(a) Termination Without Cause Employee can be terminated without cause upon the recording of five ~~of seven~~ votes of the Village Board...; and Section 4(b) Termination For Cause Employer may, by a simple majority vote, terminate employment immediately... An annual salary of \$40,753, retroactive to January 1, 2001 was specified. Thomson seconded. Motion carried.*

12) Adjournment – *Milheiser moved to adjourn at 8:32 p.m. Thomson seconded. Motion carried.*

Respectfully submitted,

Ellen Maxymek, Village Clerk

Village Board Minutes  
February 26, 2001

- 1) Call to Order and Roll Call – The meeting was called to order by President Schneckloth at 6:37 p.m. Roll was called as follows:

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Andy King – Excused
Joe Beach	<b>Others Present</b>
Joyce Laux	Steve Frassetto, Attorney
Lynn Milheiser	Gary Rosenbeck, Engineer
Don Schneckloth	Josh Van Lieshout, Coordinator
Carl Thomson	Ellen Maxymek, Clerk

- 2) Pledge of Allegiance  
3) Approval of Minutes – *Barribeau moved to approve the minutes of February 12, 2001. Milheiser seconded. Beach and Schneckloth abstained. Motion carried.*  
4) Registered citizen comments on agenda items - None  
5) Consent Agenda - None  
6) Report of Utility Commission –

Actions

- Recommend Village and its Attorney investigate and recover John Price’s sewer damage costs and Utility’s expenses from paving contractor – Following discussion the Coordinator and Village Attorney were directed to research possible alternatives.

For Information Only

- Approved Tom Doughman’s request to install sewer and water laterals to lot 40-1 of High Cliff Recreation Village.
- Forgave Michael and Francesca Honeywell \$30 Curb Box billing
- Approved John Goodman’s request to install one connection to the Village water and sewer piping with understanding that well and sanitary septic will be abandoned.
- Approved adjustment of water and sewer bill for High Cliff Pro Shop in accordance with PSC guidelines.
- Approved cost of living raise (3%) for Utility Laborer retroactive to 1/1/01.  
*Schneckloth moved to accept the report of the Utility Commission meeting of February 19, 2001. Milheiser seconded. Motion carried.*

- 7) Report of Village Officers  
a) President – No report.  
b) Clerk/Treasurer  
i) Finance Reports for Review – Account payable transactions were reviewed without comment. *Laux moved to approve an invoice in the amount of \$2,909.68 to Brush Boy Customs in payment of emergency numbering signs. Milheiser seconded. Motion carried.*

8) Village Coordinator

a) Dave Wagner, Ehlers & Associates, Inc., Village Financing Consultant –Financial planning for remaining TIF and capital projects – Wagner characterized the Village as being in “very good shape” in terms of GO debt limit and its TIF district. He made recommendations and forecasts as follows:

- The Village will convert its \$1,395,000 short-term note in the amount of \$1,100,000 into a Clean Water Fund general obligation note at an estimated interest rate of 2.75%. The balance of the short-term note should be refinanced from remaining unspent proceeds and from new debt for non-TIF capital projects. The up-front cost, no more than \$15,000, should be recovered within a year.
  - The Village has unused GO debt capacity of \$1,446,313 which grows by \$500,00 per year through debt retirement and growth in equalized value.
  - The TIF should be able to be closed by 2008, possibly as soon as 2007. After the close date the tax base that can be used for non-TIF tax levies is projected to have grown by \$37,500,000 above its current level of \$65,247,500.
  - All expenditures need to be paid out by September 2002. Developer agreements should be evidenced by development revenue bonds to insure that they are considered expended by the 9/02 date. Relative to this recommendation, Frassetto interjected that he conversed with Reed Grothe of Foley & Lardner, Village Bond Counsel. Grothe concurred with the recommendation to convert developer agreement accounts into notes or revenue bonds. Frassetto advised that that the refinancing be accomplished in a clean, and economic way. Frassetto was directed to write letters to those developer who have not proffered their development invoices to do so promptly lest they risk not receiving reimbursement when the TIF expenditure period runs out.
  - Any new debt needed to finance non-TIF capital projects should be structured with interest only payments until 2007. The interest only mill rate impact of the non-TIF capital projects anticipated would be about \$15,000, or \$0.25 per \$1,000 of equalized value.
  - Refinancing decisions should be made within the next two months to take advantage of low anticipated interest rates. The matter will be placed on the agenda of the first board meeting in May.
- b) Second reading and approval of Ordinance 01-73 placing a 90 day moratorium on issuance of zoning permits for multi-family homes commencing on March 7, 2001 – *Laux moved to approve adoption of Ordinance 01-73 placing a 90 day moratorium on issuance of zoning permits for multi-family homes commencing on March 7, 2001. Thomson seconded. Motion carried.*

- c) Town of Harrison re: railroad signals at Pigeon Road, bypass lane on STH 55 – Van Lieshout reported that Town of Harrison was unsatisfied with the Village’s Acknowledgement of Responsibilities and refuses to allow the Village to petition the Office of the Commissioner of Railroads for a lighted crossing signal at Pigeon Road on their behalf. He enumerated several options for consideration. ***Schneekloth moved to encourage, through future subdivision development, the creation of a restricted access east-west route from State Park Road to Pigeon. Laux seconded. Milheiser moved to amend the main motion to include Village funded construction of a turnout lane at Hwy. 114 and Pigeon Road. Barribeau seconded the amendment. Amendment carried with Schneekloth and Laux opposed. Main motion carried with Laux and Schneekloth opposed.***
- d) Resolution 01-02 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.60 (1)(b) police powers, Wisconsin Statutes, as Amended – ***Milheiser moved to approve Resolution 01-02 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.60 (1)(b) police powers, Wisconsin Statutes, as Amended. Laux seconded. Motion carried.***
- 9) Village Attorney – Frassetto stated that he prepared an ordinance to annex approximately 15 acres of property purchased from the Miller family for development of a storm water detention facility. He suggested that the matter be put on upcoming agendas for first/second reading and adoption.
- Frassetto reported that the Hawkinson property is being monitored to assure that prohibited vehicles and junk is not stored for long periods in violation of the court order.
- 10) Village Engineer – Rosenbeck reported that construction of sewer/water extensions on State Park Road for Windswept Shores II development would begin in the next week. Beach queried Rosenbeck whether rip-rapping of State Park Estates ponds needed to be completed on an urgent basis. Rosenbeck responded that no appreciable additional deterioration of the shoreline is likely to occur in the next year or so.
- 11) Presentation of correspondence, resolutions, and related matters
- a) State Park and Forest Road Aids – Van Lieshout reported receipt of a letter from the DNR committing \$100,000 in funding assistance to rebuild Pigeon Road as an access to High Cliff State Park.
- b) A letter of resignation from Lisa Lau, Finance Clerk was acknowledged. Van Lieshout was directed to advertise the position.
- c) Milheiser noted that state and county road weight limits were published.
- d) Discussion was initiated by Laux, regarding whether membership in the Heart of the Valley Chamber of Commerce held benefits for the Village. Maxymek

reported that one of our insurance representatives stated that status in the Chamber group resulted in a substantial saving in our health insurance costs.

- e) Beach requested that Engineer Rosenbeck survey the parking lanes on Hwy. M after the snow melts to determine if the surface needed to be replaced.

**12) Adjournment – *Schneekloth moved to adjourn at 8:20 p.m. Beach seconded. Motion carried.***

Respectfully Submitted,

Ellen Maxymek  
Village Clerk

## Village Board Meeting Minutes

March 26, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Carl Thomson

**Absent**

Andy King  
Don Schneekloth

**Others Present**

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

- 2) Pledge of Allegiance  
3) Approval of Minutes March 12, 2001 & February 26, 2001 – *Milheiser moved to approve the minutes. Barribeau second. Motion carried.*  
4) Registered citizen comments on agenda items
- Eric Fowle, East Central Wisconsin Regional Planning Commission re. 8) a) Sewer Service Plan Update
  - Gary Zahringer, Martenson & Eisele Engineering re. 5) Jon Goodman request to install laterals

- 5) Report of Utility Commission

**Action Items**

- Recommend approval of lateral installation to Lot 2 of Jon Goodman property at N7916 Pigeon Road. *Milheiser moved to approve. Barribeau second. Motion carried.*
- Referred back to the Village Board the matter of donating irrigation water for refurbishing football practice field as requested by Dave Van Elzen, Sherwood Lions Football Team – Van Lieshout reported that the Utility Commission is getting quotes on installing a backflow preventer to the Fire Department meter which is budgeted this year. Irrigation of the practice fields would be drawn from the Fire Department meter and billed as bulk water. Discussion regarding how much water would be needed to establish the practice field.

**For Information Only**

- Recommended that the Village Engineer Project Report Memorandum be referred to the Village Board for inclusion in financial plan
- Directed Utility Technician to get cost estimates on a backflow preventer to safeguard the water supply from back siphonage at the Harrison Fire Station.
- Heard presentation by East Central Wisconsin Regional Planning Commission regarding

- Directed the Utility Technician to obtain information regarding extension of lease on utility vehicle
- Adopted a wage scale for Utility Laborer.

6) PRUT Board – No Report, no quorum present

7) Report of Village Officers

- a) President
- b) Clerk/Treasurer
  - i) Finance Reports – Questions re. Disbursement Report were answered.

8) Village Coordinator

a) Eric Fowle ECWRPC, Sewer Service Area Planning – Fowle discussed updating the Sewer Service Plan. The intention is to have the plan completed and ready for approval by the ECWRP Commission by July 1, 2001 or October 1 at the latest. He will be meeting with Town of Harrison as well as the Village to determine acceptable sewer service boundaries of Waverly Sewer District and Sherwood Utility and to define and map environmentally sensitive areas. When completed the Plan will fit into the Smart Growth Plan for the municipalities. After discussion it was determined that the Utility Commission, Plan Commission, and Village Board will meet in joint session on May 21, 2001 at 6:30 p.m. for the initial Sewer Service Area Planning. Fowle will get materials and copies of the most recent 1993 plan to the administrative staff well in advance for inclusion in meeting packets.

b) Second Reading and approval of Ordinance No. 01-74, An Ordinance Annexing Municipally Owned Territory to the Village of Sherwood, Wisconsin – ***Milheiser moved to approve Annexation Ordinance No. 01-74. Laux second. Motion carried.***

c) Deb Bush, Legend Investments – Web Page construction. Discussion regarding the long-term cost of updating a Web Page. The Coordinator was instructed to bring the matter back in June.

d) Project List for possible financing per 2/26/01 Village Board Meeting – Following discussion, ***Milheiser moved to have Van Lieshout and Rosenbeck prioritize the projects and put more definitive cost figures on the projects before returning the list at the next meeting for more discussion. Thomson second. Motion carried.***

e) Report of cost estimate for crowned football fields at Wannick (TIF) Park – Van Lieshout reported that the cost to build 2 lighted and crowned football fields would be approximately \$250,000 as stated in the discussion above. Barribeau stated that a football field should be either built in the TIF Park or refurbished by the Sherwood Lions in Legion Park. Van Lieshout stated that he wants to see the baseball outfield fence remain in Legion Park and not removed as per the Lions



Football plan. Milheiser asked how, technically, the Board can renege on prior action. Barribeau stated that a previous action can be rescinded. Milheiser stated she has never understood why the outfield fence, installed at great expense, must be removed to accommodate a practice field. Thomson expressed concern that the proposed practice field is on both St. John Sacred Heart and Village property. He stated that disputes may arise in the future. Thomson also stated that in discussing the project with a church official, he was told that the church encouraged Dave VanElzen to take football to the TIF Park. They approved the VanElzen plan, he said, because they understood that the Village had already approved. Thomson stated he seriously questioned [the wisdom] of letting the Phase I plan go forward. Milheiser stated that the 250 vehicles parked in the Legion Park and Church parking overburdened the facilities.

Van Lieshout was directed to contact Van Elzen, expressing the commitment of the Board to: 1. develop a practice field and a crowned playing field in TIF Park, involving Van Elzen's planning input and available resources 2. construct a pavilion and restroom facility which will accommodate the needs of the team 3. complete the parking facilities.

Van Lieshout was instructed to agendize consideration to rescind approval of Phase I of the Sherwood Lions Football plan to refurbish the practice fields in the area of Legion Park.

- 9) Village Attorney – Frassetto stated he is negotiating a long term lease or easement for trail development on Charlie Gehl property which will extend the Cliffwood Estates II trail out to Clifton Road.
- 10) Village Engineer – Rosenbeck offered the Preliminary Engineers Report on 2001 Road Paving Projects. He expressed a preference for holding the Public Hearing regarding special assessment for the road projects at the next meeting on April 9, 2001. Bid specifications will be sent and a bid opening date of April 19, scheduled. This will allow awarding the paving contract at the April 23, 2001 Board meeting. Rosenbeck offered an agreement for professional services for design, bidding, and construction phase engineering for 2001 maintenance and capital road improvement projects. This matter to be brought for approval at the meeting of April 9.

In a like matter, Rosenbeck put forward calendaring an April 9, 2001 approval of a Preliminary Resolution for Special Assessment of curb and gutter and storm sewer installation in the Pigeon Road reconstruction project. Following a Public Hearing on the special assessments at the April 23 meeting, opening of bids will be scheduled for May 10 and a contract awarded at the May 14 meeting of the Board.

Lastly, Rosenbeck noted that applications for storm water funding grants are due on May 1, 2001. Rosenbeck will coordinate the application process to obtain grant for construction of Nuthatch Pond and the Miller Pond. Grant applications will be approved in November and awarded in January 2002. If the prospect of being

awarded grant funding looks good, construction can be postponed until after grants are awarded.

11) Presentation of correspondence, resolutions, and related matters

- In the matter of John Price claim for reimbursement of loss for sewer back-up, Rosenbeck stated that he believes Northeast Asphalt should be responsible for failure to inspect and rectify the manhole improperly set by them when Robinhood Drive was constructed in 1998. Rosenbeck offered to contact Northeast in an effort to effect reimbursement to Price.

**12) Adjournment – *Milheiser moved to adjourn at 9:20 p.m. Thomson second. Motion carried.***

Minutes respectfully submitted by,

Ellen Maxymek, Village Clerk

## Village Board Meeting Minutes

March 12, 2001

- 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**

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

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of Minutes – ***Schneekloth moved to approve the minutes of February 26, 2001. Milheiser seconded.*** Milheiser referred to item 11) c) saying that she simply noted that state and county road weight limits were published. Beach stated a page of the minutes was missing. Beach also stated that he misunderstood the motion (item 8 c) under consideration regarding Pigeon Road reconstruction. ***Beach moved for reconsideration of the issue. No second. Schneekloth moved to table the approval of the minutes until the full text was available. Milheiser seconded. Tabled.***
- 4) Registered citizen comments on agenda items
- David Van Elzen, Menasha, Sherwood Lions Football Team regarding agenda item 8)a).
- 5) Consent Agenda
- a) Operators License
    - i) Joel Pethan (record check-no record)
    - ii) Christine Muehl (record check-pending)
    - iii) Mark Myers (record check-pending)

***Schneekloth moved to approve the above Operator's License pending receipt of clear record checks on applicants Muehl and Myers. Milheiser seconded. Motion carried with Milheiser voting nay.*** Milheiser stated that she found no evidence of completion of the Responsible Beverage Server course from applicants who hold licenses from outside Sherwood. Maxymek stated that the statutes require evidence of course completion or proof of current licensing in another Wisconsin municipality. Understanding that, Milheiser recommended obtaining physical evidence of course completion. Frassetto stated that he will coordinate with the clerk to make sure that we comply with the statutes. He said that licensing in another municipality would require that the coursework was completed.

6) Report of Plan Commission

**Action Items**

- Recommended developing an ordinance governing wireless telecommunications facilities that would limit the placement of commercial antennas to the water tower: Frassetto stated that he will coordinate with the coordinator to develop an ordinance that will comply with the Wireless Telecommunications Act.  
***Schneekloth moved to have the coordinator investigate and return an ordinance regulating tele-communications towers to the Plan Commission for consideration. Barribeau seconded. Motion carried.***
  
- Recommended that the Village Board initiate an amendment to the Zoning Map to rezone parcel 32B, property owned by Randy Michiels at W372 Leslie Street from R-1A to R-1per Ordinance 65, Section 6-7(C): ***Schneekloth moved to initiate an amendment to the Zoning Map. Beach seconded. Motion carried.***

**For Information Only**

- Coordinator instructed to determine the current status of No Parking postings on Village streets and existing ordinance provisions, if any, governing same.
  
- Tabled discussion of vacation of pedestrian easement on lots 42 & 43 Sherwood Forest Subdivision until long range planning for development can be given substantive consideration.
  
- Tabled consideration of approval of Cliffwood Estates II street lighting contract until ordinance and clarification of contract is available.
  
- Directed Coordinator to arrange Plan Commission Meeting with Eric Fowle, East Central Wisconsin Regional Planning Commission regarding sewer service area planning - ***Schneekloth moved to call a Special Joint Meeting of the Plan Commission and Village Board on March 26, 2001 for the purpose of reviewing sewer service area planning. Barribeau seconded. Motion carried.***
  
- Discussed options to get railroad crossing signals installed on Pigeon Road.

7) Report of Village Officers

- a) President
- b) Clerk/Treasurer
  - i) Finance Reports for Review – Accepted without questions or comments.
  
  - ii) Disbursement Register for Review – Accepted without questions or comments.
  
  - iii) Delinquent Personal Property Taxes for write-off or collection – Attorney Frassetto reported that the legislature attempted to revise the statutes to make collection of delinquent personal property taxes easier for the taxing body. The statute allows pursuit of recovery of delinquent personal property taxes

through a small claims action providing the action is taken within six years of the January 1 tax collection year. ***Milheiser moved to write off \$1,333.39 in personal property taxes levied on W. Gillis in 1992-94. Laux seconded. Motion carried. Milheiser moved to have the coordinator initiate a small claims action to attempt collection of \$142.01 in delinquent personal property tax levied in 1996 to Club Du Wash. Laux seconded. Motion carried.***

- iv) Approval of Village Newsletter – A regular meeting of the Village Board on May 28, 2001 will not be scheduled due to the Memorial Day Holiday. Continuance of sale of large item removal tags was approved for the Spring Clean Up on April 25, 2001. Beach requested that the article regarding the Spring Clean Up be clarified as to removal of freon. Milheiser stated that the “Sack It To Goodwill” drive was for collection of clothing and household articles, not food. ***Schneekloth moved to approve the newsletter with the noted changes. Thomson seconded. Motion carried.***

8) Village Coordinator

- a) Approval of construction of football practice field: David Van Elzen, Sherwood Lions Football Program requested final approval to reconstruct the portion of the practice field on Village owned Legion Park land. He offered minutes of St. John – Sacred Heart Finance Committee Meeting in which the refurbishment project was approved for the church owned property, which lies adjacent to the Village property. Frassetto reported that Van Elzen provided proof of insurance covering liability as requested at a prior Village Board meeting. The attorney also stated that no significant restriction to parkland use was found in the park property deed from the American Legion.

Van Elzen noted an addition to the original project plan, the removal of four (4) wooden light poles on the church property and replacement with newer 42’ poles and new halogen lights. He also asked for a commitment from the Village to pay for the water (drawn from the Harrison Fire Department water line) necessary to irrigate the new practice turf until it is well established.

***Milheiser made a motion directing the coordinator to investigate possible zoning restrictions regarding the new lights and to take the matter to the Plan Commission for a recommendation before returning to the Board for approval. Included in the motion was a directive to take the request for irrigation water to the Utility Commission for recommendation. Laux seconded. Motion carried.***

Milheiser noted that Phase 1 of the project received Board contingent approval but that approval for subsequent phases was not given. The coordinator was directed to notify the St. John - Sacred Heart committee that Village approval was limited to Phase 1 and that changes to the lighting was not approved. Discussion followed regarding development of the TIF Park (Wannick Park) for use by the football team.

- ***Schneekloth moved to give the floor to Tom Jack. Barribeau seconded. Motion carried.*** Mr. Jack conveyed thanks from the First Responders for the donation of funds to purchase an AUD unit.
- b) First Reading of Ordinance No. 01-74 An ordinance Annexing Municipally Owned Territory to the Village of Sherwood, Wisconsin – Frassetto stated that some procedural changes have occurred in the certification of annexations. Following a second reading and approval of the above annexation ordinance at the next meeting, Frassetto will coordinate the certification process with the clerk.
  - c) Set pay range Finance Clerk position – Van Lieshout introduced pay ranges gathered from neighboring municipalities. Following discussion, ***Schneekloth moved to authorize Van Lieshout to negotiate a pay range between \$10.50-\$12.00 per hour with candidates for the position of Finance Clerk. Beach seconded. Motion carried.***
- 9) Village Attorney – Frassetto reported that he has been working to obtain a release from the mortgage holder of a small section of the Charlie Gehl, Jr. property. The Village wishes to purchase the land to continue the trail abutting Cliffwood Estates II out to Clifton Road. If the release is not forthcoming, he will attempt to negotiate a long-term lease arrangement with Mr. Gehl.
  - 10) Village Engineer – No report.
  - 11) Presentation of correspondence, resolutions, and related matters
    - a) Approve support of Fox Cities Chamber of Commerce letter to legislators urging continuing review of the Kettl Commission Study. ***Schneekloth moved to approve support of continuing review of the Kettl Commission Study. Beach seconded. Motion carried.***
  - 12) Adjournment – ***Milheiser moved to adjourn at 8:00p.m. Laux seconded. Motion carried.***

Minutes respectfully submitted,

Ellen Maxymek, Village Clerk

Village Board Meeting Minutes  
April 23, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Michele Muchowski  
Lynn Milheiser  
David Miller  
Carl Thomson

**Others Present**

Josh Van Lieshout, Coordinator  
Ellen Maxymek, Clerk  
Steve Frassetto, Attorney  
Gary Rosenbeck, Engineer  
Bill Diedrick, Public Works Super.

- 2) Pledge of Allegiance
- 3) Approval of the Agenda: ***Barribeau moved to approve the agenda. Milheiser second. Motion carried.***
- 4) Approval of Minutes April 9, 2001: Minutes were not available.
- 5) Public Hearing: On Special Assessments for Public Improvements in the Village of Sherwood, Wisconsin – Rosenbeck reported that the Village intends to reconstruct Pigeon Road north to the Village limit with curb and gutter and an 8 foot sidewalk/trail along the west side of the road and a ditch along the east side. A storm sewer will be constructed on State Park Road west to the ditch on the east side of Pigeon and north to Fox Lane for intercept drainage. The Village has received a grant in the amount of \$190,000, approximately 35% of anticipated project costs. Under the assessment policy, 100% of the curb and gutter less the grant is estimated at \$5.45 per foot and is assessable to abutting property owners. 100% of sidewalk is assessable on the usual 5 foot wide sidewalk so the assessment is estimated at 5/8 of an eight foot sidewalk/trail. The rate therefore less the grant is estimated at \$2.73 per foot. Assessment of storm sewer to abutting property owners is calculated at 30% [per assessment policy] of cost per lot on potential developable lots, less the 35% grant, and results in an estimated rate of \$938.78 per lot. Lots that are not developable at this time receive a deferred assessment until such time as they are developed.

All affected property owners were given the opportunity to comment as follows:

- Bill Griffith, N7715 Pigeon Road, representing the Echo Estates Condominium owners who were not present. Griffith stated it is unfair to assess for sidewalk only to property on the west-side of the road. He doesn't think sidewalk is necessary but believes a walking trail would be adequate. Griffith asked why curb and gutters were chosen for the west-side. Rosenbeck responded that the only way to build a sidewalk/trail was with curb and gutter. The Village does not own enough right-of-way to have a ditch and trail.

- Mark Siebers, N7705 Pigeon Road, questioned the need for sidewalks, especially 8 foot wide walks. Said he moved out of the city to get away from sidewalks and shoveling. Stated enough width to the road and a marked walking lane was sufficient. He assumes that the purpose of the project is to make Pigeon the entrance to the State Park and asked where the project came from. Rosenbeck reported that a Trail Committee was set up to decide on placement of Village trails which will eventually hook into the CE trail and continue into the park. Barribeau stated that the trail was conceived as a walking and biking trail. Other parts of the trail system, Rosenbeck interjected, were built by developers and at some point the Village will have to budget money to connect all the pieces of trail that are being constructed throughout the Village. Siebers stated the Village should eliminate the trail and install curb and gutter on both sides of the road.
- Pat Malloy, N7717 Pigeon Rd., was not present but his letter was entered into the record.

Miller commented that he does not recall trails being assessed before. Rosenbeck stated that trails were not specifically mentioned in the assessment policy and therefore that is why he calculated a 5/8 factor. The most recent assessment was for sidewalks on Hwy. 114/55, and was assessed on one side of the street only.

- Rebecca Siebers, N7705 Pigeon Rd., objected to being assessed for a nature walk trail. She stated we shouldn't encourage pedestrian traffic when vehicle traffic will increase greatly.
- Karla Sendelbach, W5095 Fox Lane, said she does not believe Pigeon Rd. should be the main access road into the State Park. She thinks that it is a dangerous road on which people drive very fast and thinks that by improving the road it will make it easier for drag racing. She stated that if traffic is kept on State Park drivers will be forced to keep speed down in order to negotiate the curves. In addition she said that the entrance to Pigeon Rd. from Hwy. 114 is dangerous. Sendelbach thinks the storm sewer improvement is very necessary but wonders about the necessity the planned trail.
- Roy Jansen, W5055 Golf Course Rd., Superintendent of High Cliff Golf Course asked if the roadway will encroach into the property? Rosenbeck stated that all work will be done in the existing right-of-way. The sidewalk will for the most part be 1 foot away from the property line. In response to a further query, Rosenbeck said that Pigeon Rd. will be closed during construction, although foot and cart traffic and local access will remain open. Jansen asked if by lowering the road by 18 inches drainage will be improved on the 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> holes? Rosenbeck answered that problems on the 10<sup>th</sup> and 11<sup>th</sup> will be helped by the storm sewer project. In regard to the 12<sup>th</sup> hole Rosenbeck stated that he has talked to Bob Jome and Steve Bloemer about acquiring an easement for drainage behind the curb line so we can intercept drainage and direct it by ditch to the pond near Echo Estates Condos. Since curb and gutter are going in on the west-side of



Pigeon Rd., Jansen asked, will there be a driveway access for moving the Golf Course equipment. Rosenbeck indicated that the Village will do all that it can to accommodate the needs of the Golf Course. Jansen asked if curb and gutter on the east side of the road is anticipated in future expansion plans. Rosenbeck responded that although anything is possible, he would hope that during the 20 year life of the reconstructed road the need for such expansion would have been anticipated. Jansen stated that there are shallow irrigation lines running under the road, asking if they will be kept intact. Rosenbeck indicated that the reconstruction will require a 12-18 inch cut. If the irrigation lines need to be lowered it would be at the expense of the Golf Course. If HCGC wants to put in a sleeve it would be at its own expense. Finally Jansen stated that there are some leaky water shut off valves north of the 11<sup>th</sup> tee. Rosenbeck said he would bring it to the attention of the water department.

- Steve Bloemer, W5055 Golf Course Rd., asked if signs will be posted on Hwy. 114 redirecting traffic? Rosenbeck answered that the state will include appropriate signage redirecting State Park Road traffic when the project is completed. During Pigeon Road reconstruction detour signs will be posted. In response to Bloemer's question Rosenbeck reported that there are no known costs other than those indicated on the assessment notice.
- Tom Jack, W4843 Escarpment Tr., stated that the TIF project may include recreational trail construction. Frassetto indicated that the Pigeon Road Trail may not fall under the TIF purposes of encouraging development that might otherwise not occur. He stated that if, however, the trail lies within the TIF project boundaries, the Village could decide to construct the trail with TIF funding.
- Bob Wittmann, W5146 Natures Way Dr., asked what policy will be in regard to plowing/shoveling of the sidewalk/trail. Van Lieshout and Miller responded that it is not envisioned that the trail will be required to be cleared of snow.
- Ed Lodes, Pigeon Rd., asked why the Village changed the main access from State Park Road. Frassetto responded that the DNR indicated their plans years ago to move the entrance to High Cliff State Park. The Village made the decision to make Pigeon the main access road at that time. Rosenbeck reported that the Village has been discouraging driveway accesses on Pigeon for years as it moved toward a transition from access via State Park.
- Warren Schneider, N7759 Palisades Tr., asked what has happened to the plan to put the trail along the old railroad right-of-way? Van Lieshout stated that the trail plan is to have the trail follow the railroad right-of-way, then south on Stommel Road to Golf Course to State Park Road and there to connect with the High Cliff State Park Trail System. In the final adopted trail map, however, a trail loop west from Stommel and south along Pigeon was included.

After three calls for comment Miller announced the public hearing closed.

***Laux moved to consider Agenda Item 12 at this time. Thomson seconded. Motion carried.***

Barb Jack, Harrison First Responders: RE: Emergency numbering signs – Van Lieshout reported that the numbering signs have been ordered as directed by the Board. The signs have been received as ordered. In the name of expedient implementation the ordered signs were all vertical for posting on stakes or on mail box posts. The objective in the ordinance appeared to be the establishment of a uniform emergency numbering system and to implement the system in shortest time frame and simplest manner possible. If the Board wants to change Van Lieshout's implementation plan, he said, they have the ability to do that. Barb and Tom Jack stated that they believe Villagers want a choice in the kind of sign they can get. They stated that they have offered to facilitate the choice making process using volunteer "block captains". They also want the Village informed that if homeowners have a mailbox that is on the opposite side of the street from the home, the Post Office has said they may move the mailbox. Miller made the point that the vertical signs can be issued to all residents. If they don't want those they can have the option to buy the horizontal sign on their own. Beach and Miller stated that they thought it best to have the homeowner install the signs themselves. Thomson stated he thought it best to promote the installation of the vertical signs, utilizing the signs that are already in inventory. If they want another option we can offer that. Milheiser suggested that Diggers Hotline be notified of stakes are going to be put in the ground. Following discussion ***Miller made a motion to proceed to distribute, not to install, the vertical signs that we have in stock. If the homeowner does not want the vertical sign, explain that they have a choice of a horizontal sign to be affixed to the top of a mailbox. Laux second.*** Barribeau suggested that a sheet picturing the optional signs should be signed by the homeowner with their name and address so that there is a record of their choice. Jack, responding to Milheiser's query, said that she can get the First Responders to help the trustee volunteers to distribute the signs and take requests for horizontal signs. ***Motion carried with Beach opposed.***

- 6) Registered citizen comments on agenda items – ***Barribeau moved to change the agenda to consider item 10b. Laux second. Motion carried.***

Private Fire Protection Reimbursement Request: Echo Estates Condominium Association – Van Lieshout reported that Echo Estates has been billing the Condo Association for water service for their private hydrant. The Utility agreed to take over the hydrant upon receipt of a recorded sanitary sewer and watermain easement. The easement was recorded on 2/24/01 and a copy was received by the Village in March with a request from the management company for reimbursement of water service. He further stated that, because the required easement was not recorded until February of this year he does not recommend reimbursement before that time. Since this is, as Milheiser pointed out, a utility issue the matter was referred to the Utility Commission.

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

**For Information Only**

- Engineer report on methods of locating likely well sites. Commission requested that the engineer obtain proposals for geophysical locates.
- Engineer report on issues involved in Sewer Service Area planning. Commission approved an agreement with McMahon to provide Sewer Service Area Planning Assistance.
- Approved entering into a 36-month lease agreement on a new utility vehicle at termination of current vehicle lease.
- Approved Consumer Confidence Report (CCR).
- Requested that Utility Technician obtain quotes on backflow preventor.

8) Report of Village Officers

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

- i) Finance Reports – Reports were reviewed. The Board requested that in the future a full report of disbursements be presented rather than the condensed report.

- ii) High Cliff Cemetery Deeds and Perpetual Care Agreements – *Milheiser moved to approve. Thomson seconded. Motion carried.*

9) Village Engineer

- a) Sewer Service Area Planning – At the request of the Engineer a joint meeting of the Village Board, Plan Commission and Utility Board was scheduled on May 7, 2001.

- Regarding the Price sewer backup claim Rosenbeck was directed to determine the elevations of the basements in the vicinity of the backup.
- Regarding the Pigeon Road project – Following discussion it was the consensus of the Board to put out bid specifications to include construction of the trail but not to assess abutting property owners. Bob Wittmann stated, as owner of half of the property affected by the trail, that he was in favor of the trail. He suggested that the \$10,000, which his group donated to the Village, could be used to finance not assessing the trail.

10) Village Coordinator

- a) Approval of agreement for professional services in regards to Clean Water Fund Loan Application, McM No. S011-91326 – *Milheiser moved to approve the agreement. Laux seconded. Motion carried.*

- b) Private Fire Protection Reimbursement Request: Echo Estates Condominium Association – See above.

- c) Consideration of Amending TIF agreement for improvements in Mustang Acres II – *Milheiser moved to deny amending the agreement. Laux second. Motion carried.*
- d) Award of 2001 asphalt paving projects – Rosenbeck reviewed the successful bid for the paving contract. He reported that the bid for the final asphalt course, to be applied to Nottingham Way, Nottingham Court, and Cliffview Drive, was significantly higher than the bid for the initial base course to be applied to the other roads in the project. Rosenbeck stated that if Outlot 1 south of Nottingham Way is not assessed it will mean that the Nottingham Court and Nottingham Way assessment will be higher than previously noticed. Ownership of the Outlot is still unclear. Frassetto advised that the outlot should be assessed, and deferred if necessary. He advised that the contract award be postponed to the next meeting. If he determines that a public hearing regarding an increase in the assessment is required, depending on the outcome of a search for the owner of the outlot, we will have time for proper notice.

Rosenbeck reported that the bid to reconstruct Stumpf Avenue and Meehl Street came in at about \$6000. under budget. An alternate bid for reconstruction of Leslie Street, Margaret Court, and Lorraine Street came in at \$23,000, however reconstruction of those streets was not budgeted.

11) Village Attorney

- a) CWF Reimbursement Resolution – Frassetto reported that that he has worked on a draft resolution and will forward it to Amy Vachalik at McMahon for review.

12) Barb Jack, Harrison First Responders; RE: Emergency numbering signs – See above.

13) Presentation of correspondence, resolutions, and related matters

- Milheiser distributed copies of a synopsis of Village of Hilbert Board meetings for review.
- Responding to a question by Barribeau, Van Lieshout reported that he will be meeting with High Cliff State Park personnel, and the Friends of HCSP to plan installation of the culvert and finishing the trails. There is interest in using the millings from Pigeon Road to base the trails. Van Lieshout met, he said, with Brad Warner, TIF Park Project Engineer, at the park and instructed Warner to have R & R Wash, the contractor who did the grading at the park return and complete the job to the satisfaction of the Village.
- Regarding a request by Barribeau that the weight reduction signs be removed – Van Lieshout reported that he called the phone number on the sign and left a message to remove them.

- Regarding an offer to design a Web Page – Van Lieshout reported that he was instructed to bring the matter back at the June meeting.
- Barribeau requested that the Board and Commission lists be updated and distributed to the members along with a communication of welcome to the new members and notice of the next meeting dates.
- Milheiser asked for input from Frassetto regarding where the Board stands in terms of rescinding approval of the Sherwood Lions Football project. Frassetto reported that a motion to rescind can be made by any board member. A motion to reconsider on the other hand must be made by one of those voting in the affirmative at the meeting immediately following the meeting at which the vote took place.

14) Adjournment – *Thomson moved to adjourn at 9:30 p.m. Barribeau second. Motion carried.*

Respectfully submitted

Ellen Maxymek  
Village Clerk

Village Board Meeting Minutes  
April 9, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Carl Thomson

**Absent**

Andy King  
Don Schneekloth - Excused

**Others Present**

Steve Frassetto, Attorney  
Gary Rosenbeck, Engineer  
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 meeting of March 26, 2001. Milheiser second. Motion carried.*
- 4) Registered citizen comments on agenda items: Due to the number of persons present to address the Board, *Laux moved to change the order of the agenda to consider Agenda item 10 d. Milheiser second. Motion carried.*

10d) Rescind the motion of September 11, 2000 giving Sherwood Lions Football Program approval to construct a football practice field at Legion Park.

- Dar Stumpf, N465 Lorraine Street, stated that many hours were spent getting volunteers for this project. She is distressed that the Board is considering changing the decision. Commented that parking is better at Legion Park than in the new Wannick Park.
- Greg Van Elzen, 220 Frances Street, stated that there will be no plumbing or changing facilities in the new park and insufficient parking for scrimmages. Stated that those donating materials and time will not appreciate the last minute change of course. Van Elzen stated money spent on another football field would be better spent developing the lower park with a gymnasium/civic facility.
- Corey Micholic W612 Clifton Road, stated \$111,000 in donations are pledged for the project and thinks the Village is foolish to pass up the opportunity to benefit. The donations, he states, will not be available toward building a football facility in the new park.
- David Breckheimer, N503 Military Road, states that future playground or other park facilities should be built in the new park. Stated that the Town of Harrison is one of the fastest growing areas in the Fox Valley and that Sherwood is a big part of that growth.

- Keith Reimer, N6791 Alice Street, states he is a coach for the Sherwood Lions. It would be a shame, he said, to have to move down to the park in the lower Village, where drainage is poor. He also stated that there are no changing facilities in the new park and it is not safe to have the youngsters change in port-a potties. Kids are safer in the upper park because it is closer to town. It is easier for most kids to travel home from there. Having a nice field, he added, will keep kids coming out for the program, thus keeping them away from drugs, vandalism and other mischief. He states that the kids deserve a good program with a lighted field in the upper Village.
- Allison Blackmer, N6791 Harrison Road, Hilbert, stated she was at the meeting representing her private business, not the Town of Harrison. The business has pledged a donation to the program. She stated that the business would withhold the donation if it were for building up the new park. The purpose of donating was that it also benefited the church and it became a joint community project versus just a Village of Sherwood project. She also questioned the Board, asking how it can expect people to trust doing business with the Village when, after nine months of negotiation and 5 unanimous motions to approve, someone tries to rescind previous actions. Blackmer said the football group is trying to complement development of the lower park at no cost to the Village. She said that the group is willing to provide professional engineering plans and that she will bond for satisfactory completion of the project if the Village will let her know the amount of the bond.
- Bruce Eichmeier, W4717 Nature Court, stated that much time has been invested in this project and it is all being taken away now. He doesn't think there can ever be enough parks.
- David Van Elzen, W5223 Schaefer Road, Menasha, stated that he presented a plan to fix up the grounds owned by the Village and St. John-Sacred Heart Parish to provide a place for youth football practices. He attended six meetings and met, he said, all the requests made by the Village. The only change to Phase I of the plan was to install new lights on the church property. The football program is willing to make all these upgrades at no cost except for water from the Village and power from the Parish. The upgrades, will be made with donated materials and labor, and are estimated to be a \$150,000 value if contracted out. The plans are not taking anything away, but rather are only making the green space better. He said that to turn the offer down and to put in matching facilities in the new park would cost village taxpayers approximately \$250,000. If the village wants to allow the football program to practice on the upper fields and play their games on a facility in the lower park, he stated it would be fine. However, he doesn't know how the taxpayers will accept that. He opined that the Village should build a gymnasium and civic center in the new park area rather than spend more money on facilities for football.

- Tim Anderson, an attorney with Herrling, Clark Law Firm, Appleton, stated he was present to represent the Sherwood Lions and Dave Van Elzen, to watch the process of the Board, and to review the legality of it's prior approving actions and possible action to rescind the approvals. He continued, saying he wanted to second the thoughts of those present in support of the football program and that politics and bureaucracy should not get in the way.

At the request of Trustee Beach, Van Lieshout reviewed the issues of concern to the Board as follows:

- Concern regarding how the Village can be guaranteed the quality and completion of the plans.
- Concern over responsibility for alteration to runoff of surface water and its affect on other properties as well as who would obtain necessary drainage easements.
- Concern that the baseball/softball diamond will be altered to the detriment of future participants of the sports.

Van Lieshout reported that the Village is contemplating the type of facilities it will build in the lower park. He reported meeting with Van Elzen to determine if facilities in the new park can meet the needs of the Sherwood Lions including more parking and changing areas. Beach reported that the Board is considering plans for facilities including a playing field, pavilion and washrooms that will serve as a sports complex for the community during the next thirty years rather than in the short term. These facilities will be completed by September of 2002 and are financed by the TIF recreational district proceeds and revenues.

In response, Van Elzen stated that he had addressed changes to drainage of the fields in the upper park. Concerning removal of the outfield fence, he said it was included in Phase I plans from the onset. The fence is irrelevant to baseball/softball, Van Elzen stated, because none of the younger players who now use the fields are able to hit balls that far and there are no older, stronger hitting leagues at this time.

Beach stated that parking in the upper park is not adequate to handle the 250 vehicles anticipated by Van Elzen. He voiced concern that football parking will block the fire department egress. He forecast bright lights shining into nearby residences and people tramping across private property that would occur 6 – 8 times a year for scrimmages, comparing the problems to those encountered during the annual church picnic weekend. Beach also expressed concern about damage to the football fields during church picnics in rainy years.

Dave Van Elzen stated, answering Beach's concerns, that in a scrimmage last year, only one vehicle parked in the Fire Station lot of the 257 vehicles and 4 busses present. He said that they had the approval of the church to use their parking lot and facilities.



Van Lieshout, upon a query from Barribeau, reported the Village Zoning Ordinance requires that, before installation of new taller lights on the church property, the Church as owner will have to apply for rezoning of the property and also apply to the Plan Commission for a grant of conditional use. This information, he stated, was given to Van Elzen when he brought a request for a change in the lighting before the Plan Commission at its meeting of April 2, 2000. The Plan Commission would have to consider wattage, hours of use and other issues.

Frassetto clarified that no one on the Board was trying to downplay the efforts of the Sherwood Lions organization. When Van Elzen came forward this Spring with requests for irrigation water and installation of new lights, Frassetto stated, the Board became concerned with whether there were better alternatives, in light of current development of the TIF park, for incorporating the needs of the football group. Information gathered at this meeting, ie. that donations of time and materials will under no circumstances be available for the group's activities, if they involved the new park, was new to the Board. It is incumbent upon the Board to make decisions based on the long term and to gather all the available information.

- Bob Goehring, W4816 Questa Court, asked if more money would be available for TIF recreational development if football fields were not included in the TIF Park. Frassetto answered that this was a correct statement.

Upon a request by Beach, Frassetto read the motion, from a Village Board meeting of September 11, 2000, to approve Phase I of the Sherwood Lions Football project plan to commence after the church picnic in August 2001 as follows:

***Schneekloth moved to tentatively approve Phase I of the plan, contingent upon approval by St. John/Sacred Heart Church. King seconded. Discussion followed. Upon a roll call Barribeau, King, Thomson, Schneekloth voted aye. Beach and Milheiser voted nay. Motion carried.***

Van Elzen read the following from minutes of the Village Board meeting of March 12, 2001:

***Milheiser made a motion directing the coordinator to investigate possible zoning restrictions regarding the new lights and to take the matter to the Plan Commission for a recommendation before returning to the Board for approval. Included in the motion was a directive to take the request for irrigation water to the Utility Commission for recommendation. Laux seconded. Motion carried.***

Chair Laux called for a motion to rescind. Beach stated that he had voted on the motion of September 11 in the negative. Blackmer, calling for a point of order from the floor, stated it was her understanding that such motions had to be made by one of

those casting an affirmative vote on the past motion. Laux concurred stating that Beach had just made the point. *No motion to rescind was heard.*

Frassetto noted that permit applications pertinent to installation of new lights still need to be considered by the Plan Commission/Village Board. Van Lieshout stated that the proper forms to make application for rezoning of the church property and a conditional use permit for installation of the lights are available in his office. Van Elzen stated that he would bring forward the necessary applications for desired lighting changes.

- Blackmer suggested that a motion to approve Phase II of the project was in order. Laux stated that the matter was not on the agenda and would not be considered. Van Elzen stated that he did not believe he needed approval from this governing body for Phase II since it involved only church property, but that he would probably bring it to the board anyway. If the request was denied, he said, he would proceed anyway.

Milheiser stated that the matter of the Village supplying irrigation water to establish grass on the fields was not yet resolved by the Utility Commission. Following additional input from Blackmer and Van Elzen, Milheiser stated that there were unresolved matters to be considered by the Utility Commission regarding metering of water and prevention of back-flow contamination. Blackmer stated that she would pay for the water if that was an issue.

- 5) **Public Hearing** regarding rezoning of a parcel of land located in the E ½ of the SW ¼ Section 29, Town 20 N, Range 19 E or W372 Leslie Street from R-1 A to R-1 – After three calls for public comment and hearing none the public hearing was closed at 7:25 p.m.
- 6) **Public Hearing** regarding 2001 Asphalt Paving Special Assessments – The following comments were heard:
  - Bob Goehring, W4816 Questa Court, asked when the paving would be scheduled and when payment would be necessary. The Clerk reported that the Board would decide payment schedules at the time of the Final Resolution after project completion. In the past, she reported, the Board had given a 5-year payment plan if such was desired by the assessed property owner. As to the paving, a schedule will be set after receipt of competitive bids and contract award. Engineer Rosenbeck stated that, because asphalt plants would not be making asphalt until mid-May at the earliest, the paving could not take place until end of May or beginning of June at the earliest. He reported that Questa Court paving couldn't be scheduled until after installation of two laterals was completed by assessable property owners. Rosenbeck stated that scheduling of the paving will be predicated on the contract award date followed by approximately 90 days for the contractor to complete the work.

- Jeff Holz, Nottingham Court, asked if the road will be crowned. Rosenbeck responded that a 2% crown is specified.
- Jon Rooyakkers, Lakeshore Lane. Rosenbeck explained in answer to Rooyakker's question that in the case of a corner lot a frontage credit was applied so that the property owner was assessed only for the longer of the two corner frontages. Rooyakkers also initiated discussion of definition of a corner lot. Rosenbeck said that a reasonable definition would be property fronting on two streets. A frontage credit would also apply to a lot which fully fronts a street on two sides.
- Donald Kiefer, W7853 Rocksbury Ct., asked what happened to assessable footage due to the application of a minimum assessable frontage computation. Frassetto explained that in cases such as cul-de-sac lot frontages where a minimum frontage factor was applied the amount of assessment per foot went down.
- Rollie Stephenson, N7797 Lakeshore Ln., noted that a large amount of sand and gravel has accumulated on the streets making them difficult to navigate for walkers, joggers and bicyclists. He stated his willingness to assist the Village in acquiring a street sweeper.

Rosenbeck brought to the attention of the Board a problem regarding how to assess a 1 ft. by 570 ft. undevelopable strip known as Outlot 1 which lies to the immediate south of the Nottingham Way right-of-way. Frassetto stated that assessment for the outlot could be deferred until such time as the owner wanted to access Nottingham Way for the purpose of developing the property to the south. As an alternative, the improvement could be assessed and if unpaid the Village might eventually take possession of the property. The owner of Outlot 1 has not been determined at this time. Sherwood Forest Ltd. Developer, Florian Schmidt, who was present at the hearing, stated he did not know who owned the property.

After three calls for public comment Laux announced the hearing closed at 8:05 p.m.

***Laux moved to change the order of the agenda to consider 10)c). Beach second. Motion carried.*** Randy Michiels, rezone property from R-1 A to R-1 located in the E ½ of the SW ¼ Section 29, Town 20 N, Range 19 E; W372 Leslie Street – ***Beach moved to approve the rezone. Milheiser second. Motion carried.***

- 7) Consent Agenda
- a) Operators License
    - i) Anica Peeters (no record)
    - ii) Corey Feller (no record)
    - iii) Lawrence A.J. Schade (no record)

***Milheiser moved to approve the above license applications. Laux second. Motion carried.*** Laux asked if operators are required to be licensed in the local jurisdiction. The Clerk responded in the affirmative. Discussion followed regarding how best to

manage the problem of unlicensed operators working in the municipality. In reply to a query by Milheiser, Frassetto stated that a municipality can devise a point system for licensees, where-by when a specified level of demerit is reached the Board would can act to discipline the business licensee. He also stated that when licenses come up for renewal the Trustees might consider bringing the non-compliant business owners in front of the Board for a stern reminder of their obligation to see to it that operators are licensed. It is difficult, he said, for a small community without a police force to enforce the statutes/ordinances.

8) Report of Plan Commission

**Action Items**

No Parking Signs on State Park Road – Recommended approval designating State Park Road as “No Parking” on both sides – Milheiser strongly opposed designating no parking on both sides of the road. She requested that all potentially affected property owners be notified that the Village is considering the proposition so they can give input. *Milheiser moved to table until more information is available. Laux second. Motion carried.*

**For Information Only**

Approval of John Goodman CSM and Drainage Plan – Declined to recommend approval of CSM. Consensus recommendation that Goodman develop a plan with one access point off Pigeon Road for driveways to each lot.

Approval of street lighting plan for Cliffwood Estates II and Castle Drive – Recommended development of an amendment to the Subdivision Ordinance creating a minimum lighting standard.

Dave Van Elzen, installation/replacement /of lights at SJSH property – Request withdrawn in the interest of facilitating development of Phase I of the practice field. Allison Blackmer stated she will pay for irrigation water to establish turf.

9) Report of Village Officers

- a) President – None
- b) Clerk/Treasurer
  - i) Finance Reports for Review – Reports not available.
  - ii) Disbursement Register for Review – Reviewed.
  - iii) Schedule Organizational Meeting – Meeting was scheduled on Tuesday April 17, 2001 at 6:30 p.m.

10) Village Coordinator

- a) Peggy Braum – Request to pave Ashbrooke Court in 2001 - Mike & Amy Bynoe, N7890 Ashbrooke Ct., and Scott Braun, N7890 Ashbrooke Ct., requested paving of their court this year. Rosenbeck explained that the paving policy required that 50% of the lots on any street must be built on at the time the budget is approved for the upcoming year. Since 3 of the 7 lots on the court were built on last fall, it did not qualify for paving this year.

- b) Approval of Agreement for Services with McMahon Associates for road reconstruction and paving engineering services – ***Milheiser moved to approve. Barribeau second. Motion carried.***
- c) Priority ranking of remaining projects 2001-2002 TIF Financing – Discussion regarding the merit of each of the following projects:

New Water Supply	\$450,000	Football Field	150,000
Castle Drive Paving/Curbing	68,000	Lighting	20,000
Park Pavilion	30,000	Park Parking Lot	50,000
Ecker Detention Basin	250,000	Trail Construction	26,000
Castle Drive Sewer Extension	100,000	Park Equipment	10,000
Extension of Knight Drive	175,000	One half of truck	50,000
Rip-Rap Existing Ponds	60,000	State Park Rd. Recon.	100,000

Following discussion of the merits of each project, the need for borrowing power in case of emergency, and other pertinent issues ***Barribeau moved to approve the projects totaling \$1,549,000. Laux second. Motion carried.***

- d) Knight Drive Extension alternate plans – Rosenbeck stated that the Village should consider whether it ought to become involved in opening up property for State Park Estates development. If the Village wants to be the initiator of the development it would need to stub in a road or build a road from Castle Drive out to Hwy. 114. About half of the cost of a road would be recoverable through assessments. Three options for a road layout were discussed. Discussion continued regarding the value of in-filling developable property within the Village as opposed to expanding borders. No motions were made.
- e) Approval of transfer of designated fund balance to 2001 general fund budget for the purpose of purchasing street trees: ***Barribeau moved to approve the transfer of \$5,500 from fund balance designated for the purchase of trees to the 2001 general fund budget. Beach second. Motion carried.***
- f) Approval of Wanick Park pavilion and associated facilities and improvements – After discussion Rosenbeck suggested obtaining design/build proposals for a state approved park shelter with attached washrooms. ***Laux moved to approve authorizing the engineers to put together several cost proposal options. Milheiser second. Motion carried.***

11) Village Attorney – No report.

12) Village Engineer

- a) Preliminary Resolution for Pigeon Road Special Assessments – ***Milheiser moved to approve. Laux second. Motion carried.***

13) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reported that Curt Calkins, outgoing Calumet County Conservationist stated that 25%-50% of the cost of rip-rapping State Park Estate ponds should be covered by grants.
- Milheiser made a request to replace the gravel on the cemetery road.
- Rosenbeck asked for suggestions regarding paving Questa Court. There is an island in the cul-de-sacs that, according to Bill Diedrick, presents problems when snow plowing. Do the trustee want the island retained and curbed or removed. It was the consensus of the Board that the Clerk should verify ownership of the island then put the matter on the agenda for action.

14) Adjournment – *Thomson moved to adjourn at 10:29 p.m. Milheiser second. Motion carried.*

Minutes respectfully submitted,

Ellen Maxymek  
Village Clerk

## Village Board Meeting Minutes

May 14, 2001

- 1) Call to Order and Roll Call – The meeting was called to order at 6:30 p.m. by President Miller. Roll was called as follows: **Present**, Bill Barribeau, Joe Beach, Joyce Laux, Lynn Milheiser, Dave Miller, Michele Muchowski, Carl Thomson. **Others Present**, Steve Frassetto, Attorney, Josh Van Lieshout, Coordinator, Ellen maxymek, Clerk, Bill Diedrick, Public Works Department.
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve. Milheiser second. Motion carried.*
- 4) Approval of Minutes:
  - a) April 9, 2001 – *Beach moved to approve. Laux second. Motion carried. Miller and Muchowski abstained.*
  - b) April 17, 2001 – *Milheiser moved to approve. Barribeau second. Motion carried.*
  - c) April 23, 2001 – Thomson reported that though he was present at the meeting his name was omitted in the minutes. With the correction noted, *Milheiser moved to approve. Barribeau second. Motion carried.*
- 5) Registered citizen comments on agenda items
  - Ronald Wenzel, Windswept Lane, re. Agenda Item 14. Wenzel asked if Coordinator Van Lieshout gave permission to Don Schneekloth to dig up his driveway. Van Lieshout answered that, in response to a contact by Schneekloth, he told Schneekloth that property owners are responsible to maintain their driveways which abut Village right-of-way. He stated, however that he did not give permission to dig up Wenzel’s driveway. Attorney Frassetto stated that he wrote a letter to the parties clearly outlining limitations to changing the right-of-way. He stated he would distribute copies of that letter to the trustees before their next meeting. Miller asked why a court order regarding the issue was not being enforced. Barribeau stated that neither party should be modifying the right-of-way. Barribeau said that perhaps the Public Works personnel should fill in the hole and send a bill for reimbursement of the expense to Schneekloth.
  - Colin Smith, W4887 Bridle Road, re. Agenda Item 10 a). Smith stated a problem with storm water drainage in the southern part of the A2 storm water drainage basin, which is negatively impacting his property. He stated that several studies of drainage issues had been done over the years. Smith stated his strong belief that these issues were regional concerns and that the Village should undertake cleaning out ditches, runways and runway elevations. Individual property owners have, over the years, dealt with their drainage problems on an exclusive basis and have in most cases simply moved the problem to another property without enhancing the drainage of storm water out of the basin. Smith would like to see

money be spent on resolution to the problems in the A2 drainage basin. Miller reported that he has been working on an overall storm water management plan but stated that something needs to be done about drainage problems in that specific area in the short term.

6) Consent Agenda

- a) Approval of Operators Permit Bobby T. Martin – ***Milheiser moved to deny approval based on information reported in the Wisconsin Criminal Record Check. Miller second. Motion carried with Laux and Muchowski voting nay.*** Milheiser requested that the provisional license issued to the applicant be revoked immediately.

7) Report of Plan Commission

**Action Items**

- No Parking Signs on State Park Road – Recommended approval designating State Park Road as “No Parking” on both sides for the duration of the reconstruction of Pigeon Road. In the mean time a permanent solution will be researched – Van Lieshout stated that he will notify property owners along State Park Road that the road will be closed during the reconstruction period and that the Board will consider permanent parking designation after public input. ***Barribeau moved to approve the recommendation of the Plan Commission. Thomson second. In a roll call vote Barribeau, Miller, Muchowski, and Thomson cast aye votes. Beach, Laux, Milheiser voted nay. Motion carried.***
- Denied the Preliminary Plat of Lakeshore Estates IV – ***Milheiser moved to approve the recommendation to deny. Laux second. Motion carried.***
- Approved amending Ordinance #38 to remove the reference to the Illuminating Engineers Society standards for street lighting – Beach asked why the IES standard would be removed. Barribeau stated that there were a number of different standards and since the Plan Commission was unsure what standard was most fitting decided to decide on a case by case basis what appropriate community standards would be. Beach recalled that in the case of State Park Estates complaints of too little lighting were reported. Van Lieshout reported that this was the case, and so lights were installed at intervals of every other lot in that case. This is the standard that the Plan Commission favored at this time. Grayson Wood reported that many people in the Village prefer no street lights. After discussion, ***Miller moved to approve the recommendation of the Plan Commission. Barribeau second. Motion carried.***

**For Information Only**

- Dave Van Elzen, installation/replacement /of lights at SJSB property – will be submitting an application to rezone property and a conditional use request at the June Plan Commission meeting.



- Discussion is beginning and information has been requested regarding the possibility of the Village purchasing Lot 43 Sherwood Forest Subdivision for the purposes of constructing a street adjacent to Legion Park which would then intersect with Clifton Road.
- Plan Commission would like to petition the State of Wisconsin for a speed change at STH 144/55 entering the Village from the south beginning at the southern most limit of the Village. Beach asked that consideration be given to lowering the speed limit on Hwy. M to 30 mph as well.

8) Report of Village Officers

a) President

i) Appointment/Approval of Utility Commissioner – ***Miller moved to approve the appointment of Dick Stewart to the Utility Commission to fill the seat being vacated by Miller. Milheiser second. Motion carried.***

ii) Nomination/Election of PRUT Board Citizen Member – ***Miller moved to put the name of Wendy Mitchell into nomination for a seat on the PRUT Board that was declined by George DeBruin. Milheiser second. Motion carried.***

b) Clerk/Treasurer

i) Finance & Disbursement Reports –

ii) The Clerk/Treasurer called attention to a Wisconsin Electric disbursement of which \$1950 was billing for 24 months [the maximum period allowable] street light electricity in Sherwood Forest Golf Village. Through an error on the part of Wisconsin Electric the billing was previously sent to another municipality. Payment of this invoice will put the account line considerably over budget in the next months. Frassetto reported that although the bill was due and payable a payment plan might be negotiated. Milheiser stated that the matter should have been brought before the Board before it was paid. Maxymek reported that although the billing had been paid the check was not mailed pending review. The Clerk/Treasurer was directed to negotiate a payment plan of between 24 – 32 months.

Upon inquiry Barribeau was told the Associated Appraisal disbursement was approximately \$80 higher than usual since they were seeking reimbursement of informational supplies which they are required to furnish during the Open Book and Board of Review process.

Barribeau asked the nature of a disbursement to Calumet County. The C/T responded that the payment was the second dog license settlement which will be repaid to the Village after County processing fees are deducted.

Miller inquired why there were two like payments to Fox Valley Nursery. The C/T reported that these were ½ downpayment and balance on delivery for trees

as approved by the Board at a prior meeting. Van Lieshout reported that these trees were planted along Hwy. 114 according to the Village Forestry Plan. Three trees were also planted in front of the Community Center. Diedrick reported on the comparative benefit of planting bare root stock over the balled tree stock which was delivered.

iii) Report regarding Plan Commission Ordinance #16 – Maxymek reported that she reviewed the current and past ordinance versions and that none mentioned the voting status of the Village Engineer on the Plan Commission. Frassetto recollected that the ordinance was fashioned after that described in state statute. The statutes, however, also state that the governing body may adopt an ordinance of its own design if they so chose. Frassetto recalled that, at the time Rosenbeck was appointed to the PC, he was somewhat uncomfortable with the roll of voting member.

9) Village Engineer

a) Award of Pigeon Road Reconstruction Project Contract and Amendment No. 1 – ***Barribeau moved to approve award of the contract to J & E Construction in the amount of \$440,867.45. Laux second. Motion carried.***

b) Award of 2001 asphalt paving projects – ***Laux moved to award the contract to Badger Highways Company, Inc. in the amount of \$76,359.13. Muchowski second. Motion carried.***

i) Resolve Questa Court island question – ***Barribeau moved to remove the island before paving. Thomson second.*** Van Lieshout reported that the island was not dedicated and that it lies on Village owned right-of-way. It is, he reported, difficult for the Public Works personnel to maneuver around the island when plowing. Milheiser requested that the developer be notified. She stated her opposition to removal because the island, to be curbed and maintained by property owners, was previously approved by Board. Beach suggested that photos of the island be taken before its removal. ***Motion carried with Milheiser voting against.***

10) Village Coordinator

a) Approval to pursue resolution to drainage issues on Bridle, Black Cherry, Forest Lane, Sunset Ct., and Palisades Tr. Neighborhoods – Van Lieshout reported that \$27,000 was budget for resolution of drainage problems. In response to Milheiser's question, he stated that he did not know how much of the budgeted amount would need to be spent for engineering. He advised the Board to start with a study with alternate options and proceed from that point. When asked if TIF monies can be spent on A2 basin drainage Van Lieshout responded that it will be necessary to find out how much drainage is coming off of TIF designated land and that will determine whether TIF budget is available. Milheiser stated that she wants to see some alleviation of the problem this year. ***Milheiser moved to***

*proceed to get a study from McMahon group for remediation options. Barribeau second. Motion carried.*

- b) Approval to remove excess materials from Pigeon Road project to High Cliff State Park (Butterfly Ponds project) – Van Lieshout explained that the Friends of High Cliff have asked for contribution of unused millings and culverts from the Pigeon Road Project to put in their trail base. After discussion **Miller moved to contribute excess materials not used for municipal projects to the Friends. Milheiser second. Motion carried.**
- c) Award of Design Contract for Wanick Park Pavilion – Van Lieshout reported obtaining a proposal from Reuter Design Associates to produce state registered construction drawings for a 40' x 80' x 9' park shelter with attached 16' x 80' x 9' toilet facility per design estimate. The services would include plan preparation and final inspection of the project after completion as well as payment of state registration fees. The estimate totaled \$2,690. Van Lieshout pointed out that it would be the responsibility of the Village to draft bid documents and contract award. He stated that the might start as early as mid to late June. **Milheiser moved to proceed with the design phase of the park shelter. Laux second. Motion carried.**
- d) Schedule special meeting with Financial Consultant re. Borrowing – A special meeting was scheduled at 7:00 p.m. on Tuesday May 29, 2001.
- e) Finance Clerk resignation/Approval to contract for temporary employee – **Thomson moved to approve contacting for a temporary employee. Milheiser second. Motion carried.**

11) Village Attorney

- a) CWF Reimbursement Resolution – **Barribeau moved to approve the reimbursement resolution. Milheiser second. Motion carried.**

12) Bill Diedrick, Street Superintendent

- a) Discuss and rescind motion of April 23, 2001 specifying method to determine which type of emergency numbering sign each property owner desires – No action.
- b) Approval of alternate method of determining type of emergency numbering each individual property owner desires – Diedrick stated that he doesn't think the First Responders should be responsible for the selection and distribution process of the signs. He requested that a mailing be prepared by administrative personnel including the following:
  - i) A deadline date for reply.
  - ii) A time when property owners will be available to receive completed signs.
  - iii) Inclusion of a copy of the 911 Ordinance.
  - iv) Return envelope for mail back form.

- Barb Jack agreed to compose the mailing content. She requested that a committee be formed to coordinate distribution of the finished signs. Miller stated that if no response to the mailing is received the vertical sign should be distributed. No action.
- c) Approval of request to obtain hepatitis B vaccination – Miller directed that a recommendation to provide the vaccinations made by the Safety Committee four years ago should be implemented at this time. Employees refusing the vaccinations will be required to sign a written release waiving the Village/Utility from liability.
- d) Presentation of estimated costs for football field construction at Wanick Park – Diedrick submitted a proposal from D & D Excavating and Landscape Service, Inc. for construction of 2 football fields and installation of underground drainage system and laterals. Van Lieshout stated that there is a need, in projects of this scope, for competitive bids based on uniform specifications. Diedrick stated that he had obtained the proposal for purposes of estimating costs only.
- Diedrick stated that he wants to get estimates for replacement of vents in the Pavilion. He also requested authorization to replace a broken lighting fixture and install 1 new lighting fixture at @ \$150. each at the same structure. Thomson recommended motion detector light fixtures. Miller directed Diedrick to obtain estimates.
  - Diedrick reported continuing erosion of the banks on the State Park Estates ponds. He stated this has become hazardous when lawn mowing near the edges of the ponds. Van Lieshout reported that the County Conservationist will be coming the following day to suggest possible solutions to the erosion problems.
  - Diedrick reported continuing problems with illegal dumping in the yard waste containers. Tom Jack suggested that a security camera be installed to monitor the area. Van Lieshout reported the options and decisions made by the Board in the prior year. Miller stated that the dumping should be monitored between now and the next meeting. Barribeau stated that a notice regarding dumping of yard waste should again be published in the newsletter.

13) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(g) to confer 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. ***Miller made a motion at 8:50 p.m. to move into closed session per State Statute 19.85(1)(g) as stated. Milheiser second. Motion carried.***

- ***Milheiser moved to return to open session at 9:15 p.m. Laux second. Motion carried.***

14) Presentation of correspondence, resolutions, and related matters

- Milheiser and Barribeau opined that curbing and paving of Windswept Lane this year would be a way to resolve neighbor disputes on that cul-de-sac. Milheiser stated that she would like to see money budgeted for 2001-road reconstruction diverted to pave Windswept Lane. Laux stated that property owners abutting the roads scheduled for reconstruction were expecting their streets to be repaved. Frassetto reported that it would be possible to pave Windswept Lane if all abutting property owners agreed to waive special assessment notice and extended payment option to. He stated, however, that it would be unlikely that all property owners would agree. Barribeau then stated that it would be necessary to wait until next year for paving of Windswept Lane. Frassetto stated that a notice to cease and desist digging in the Village right-of-way could be sent. Miller stated that this is a dispute between neighbors that the court system has already acted upon. He believes that if there is a violation of the court order, it should be handled through the court system.
- Barribeau inquired as to what is happening to resolve short payment of pay to Terry Woller. Maxymek explained that, due to a glitch in the payroll software program, Woller's paycheck was short. She stated that a payroll check compensating for the shortage was cut and was awaiting signature.

15) Adjournment – ***Miller moved to adjourn at 9:27 p.m. Beach second. Motion carried.***

Respectfully submitted,

Ellen Maxymek  
Village Clerk

Village Board Meeting Minutes  
June 11, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Carl Thomson

**Absent**

Michele Muchowski-Excused

**Others Present**

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

- 2) Pledge of Allegiance

- 3) Approval of the Agenda: *Barribeau moved to approve. Milheiser second. Motion carried.*

- 4) Approval of Minutes: *Barribeau moved to approve the minutes of May 14, 2001. Milheiser second. Motion carried.* Thomson inquired if a neighbor problem involving digging in the public right-of-way on Windswept Lane had been rectified. Van Lieshout reported that Public Works personnel filled the hole. Frassetto stated that he conveyed materials relating to this dispute to the Coordinator for distribution to the Trustees.

- 5) Registered citizen comments on agenda items

- Brian and Shirley Painter, N7784 State Park Road: Stated their concerns regarding improper drainage of storm water from Lot 1, CSM 2101, N7798 Lakeshore Ln. and Lot 176 Windswept Shores II onto their property. Their landscaping and plantings have drowned. The Painters requested that the Board facilitate a solution to their problems by enforcing drainage requirements. Frassetto informed the Painters that they may have a private cause of action [re. Lot 1, CSM 2101] or if drainage is not conforming with a plat drainage plan [Lot 176] the Village may need to ask the developer to confirm their grade and correct deficiency if such is verified. He said that Van Lieshout can investigate and respond to the Painters with findings. As to Painter's statement that they are bound by Windswept II covenants, Miller stated that covenants are not enforced by the Village, but are agreements between the property owner and subdivision owners/developers.
- Deborah Busch, Legend Investments, re. Agenda item 14d.

- 6) Public Hearing: Regarding a proposal made by David T. Van Elzen, on behalf of St. John/Sacred Heart Parish to rezone a parcel of land located in the SW ¼ of the SW ¼ Section 29, Town 20N, Range 18 E, Village of Sherwood, Calumet County

Wisconsin for the purpose of constructing a football field and complying with sections 5-1A and 3-1c3(d) of the Village of Sherwood Zoning Ordinance.

Tony Mueller inquired how the property will be zoned. Van Lieshout replied that the property is currently zoned commercial and has a legal non-conforming use. The zoning, if approved, will change to residential. Churches and schools are permitted uses in residential zones.

After three calls for public comment the hearing was closed at 7:20 p.m.

- 7) Public Hearing: Regarding Amending Section 6(d)(i) Sherwood Subdivision Ordinance No. 38 to remove the requirement that street lamp illumination and location be installed to meet Illuminating Engineering Society standards.

After three calls for public comment the hearing was closed at 7:23 p.m.

8) Consent Agenda

a) Approval of Operators Permit

- i) Douglas R. Laux II, 413 Taylor St. Kimberly, 54136 – ***Milheiser moved to approve. Miller second. Motion carried with Laux abstaining.***
- ii) Janelle M. Leopold, 819 Pershing St., Appleton, 54911 – ***Thomson moved to approve. Milheiser second. Motion carried.***
- iii) Jennifer L. Larson, 9170 Clayton Av. Neenah, 54956, ***Milheiser moved to approve. Thomson second. Motion carried.***
- iv) Amanda Garrity, 2116 S. Telulah Av., Appleton, 54915 – ***Milheiser moved to approve. Thomson second. Motion carried.***
- v) Jill M. Wunrow, W655 W. River Rd., Hilbert, 54129 – ***Milheiser moved to approve. Laux second. Motion carried.***
- vi) Luke Behling, N6843 Harrison Rd., Hilbert, 54129 – ***Thomson moved to approve. Milheiser second. Motion carried.***

- b) Approval of Alcohol Beverage Licenses – Addressing the applicants, Frassetto stated that it has come to the attention of the Board that some licensees were permitting operators to work without a license. He pointed out that operator permits issued by this municipality are required unless the operator is under the immediate observation and supervision of the licensee, adult member of the licensee’s immediate family, agent, manager or licensed operator. Frassetto restated the statutory requirements of obtaining a license ie. completion of Responsible Beverage Course or proof of current licensure. In response to a question, he stated that the Board is considering instituting a “points” system to rectify lapses in license obligations. However, at the present time there is no such ordinance.

i) Combination Class “A” Beer & Liquor License

- (1) Condon Oil Company, 126 E. Jackson St., Ripon WI 54971, Sherwood Mobil Mart, 415 Veterans Av, Sherwood WI 54169, Kraig Bauman, Agent – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

(2) T.J.'s Foods LTD of Sherwood, W599 Veterans Ave, Sherwood, WI 54169, Anthony J. Mueller, Agent – ***Barribeau moved to approve, conditioned upon receipt of a list of operators. Milheiser second. Motion carried.***

ii) Combination Class “B” Beer & Liquor License

(1) Holz-In-One, Inc., N580 Robinhood Dr., Sherwood WI 54169, Sherwood Forest Country Club, N580 Robinhood Dr., Sherwood WI 54169, Gregg Steven Holz, Agent – ***Barribeau moved to approve, conditioned upon receipt of a list of operators. Milheiser second. Motion carried.***

(2) Duncliffe Inc, PO Box 246, Sherwood WI 54169, Shenanigans, N385 Military Rd., Sherwood WI 54169, James Radcliffe, Agent – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

(3) Jean M. Sprangers, N9616 Anna Ct., Appleton WI 54915, Jeanne's, 302 Military Rd, Sherwood WI 54169 – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

(4) Lynda M. Hopfensperger, N498 Military Rd., Sherwood WI 54169, Granary Supper Club, N586 Military Rd., Sherwood WI 54169 – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Beach second. Motion carried.***

(5) Paul John Weis, N7475 Hwy. 114, Sherwood WI 54169, Knottinghams, N7475 Hwy. 114, Sherwood WI 54169 – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

(6) Douglas Schneider & Charles Schuster, High Cliff Restaurant W5095 Golf Course Rd., Sherwood WI 54169 – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

iii) Class “B” Beer License

(1) High Cliff Golf Course Inc, W5055 Golf Course Rd, Sherwood, Robert Jome, Agent – ***Milheiser moved to approve, conditioned upon receipt of a list of operators. Thomson second. Motion carried.***

9) Report of Plan Commission

**Action Items**

- Recommended approval to rezone a parcel of land located in the SW ¼ of the SW ¼ Section 29, Town 20N, Range 18 E, Village of Sherwood, Calumet County Wisconsin for the purpose of constructing a football field and complying with sections 5-1A and 3-1c3(d) of the Village of Sherwood Zoning Ordinance - ***Laux moved to approve. Miller second. On a roll call vote Barribeau, Beach, Laux, Miller, Thomson voted aye. Milheiser voted nay. Motion carried.***
- Recommended approval to amend section 4-9D1 of the Sherwood Zoning Ordinance to allow garages to have a maximum floor area of 1500 square with the following stipulations. The ordinance should read: “If a garage is to have two single car doors or one two car garage door, then the floor area of the garage shall



be no more than 1000 sq. ft. If a garage is to have three doors, in any combination of two car or one car garage doors, then the floor area of the garage shall be no more than 1,500 sq. ft. Service entries do not count against the number of doors and should be placed on a non-street facing wall unless the home is on a corner lot.” - Public Hearing is required before action.

- Recommended approval in concept of a proposal made by High Cliff Estates, L.L.C. for the Fairways at High Cliff. The developers will bring a Planned Unit Development (PUD) Plan forward – ***Milheiser moved to approve. Miller second. On a call of the roll Barribeau, Laux, Miller, Thomson voted aye. Beach and Milheiser voted nay.***
- Recommended amendment of Sections 6-8(B) of Ordinance No. 65 to upgrade requirements for multi-unit development - Public Hearing required before action.
- Recommended amendment of Section 3(b)(4), 3(d)(1) of Ordinance No. 65 to limit the number of units per building in multi-unit development - Public Hearing required before action.
- Recommended pursuit of purchase of Lot 43 of Sherwood Forest Subdivision for the long-range purpose of building a road – Beach stated he didn’t think the Village should be spending money to encourage development. He stated his understanding that Sherwood Forest developers, Schulz, obligated themselves to provide an alternate route out of the subdivision to High Cliff Road. Van Lieshout was directed to investigate the matter. Van Lieshout reported that the Land Use Plan shows a planned road that runs along the Section Line down to Clifton Road and eventually connecting with Knight Avenue [or the unnamed stub road next to Sherwood Mobil Mart]. Further discussion was postponed until more information is available.

#### **For Information Only**

- Granted a conditional use permit to Saint John/Sacred Heart for the purposes of operating a grade school, associated facilities, and church picnic in a R-1 district, pending approval of the Village Board of application to rezone property.
- Discussed purchase of property in the central district for possible downtown green space or redevelopment

**10) Report of the PRUT Board – *Beach moved to separate the items on the PRUT report for consideration. Milheiser seconded. Motion carried.***

#### **Action Items**

- Recommended that the Wednesday night basketball program coordinated by Bruce Schulz be approved as a Village sanctioned activity, with a volunteer coordinator. Status to be reviewed annually – Milheiser objected to “Village sanctioned activities” due to possible liability issues. After discussion ***Laux moved to put the Schulz basketball activity on the gym schedule every Wednesday night. Miller second. Motion carried.***

- Recommended approval of a request by Arthur and Joyce Kopf to plant two trees in memory of the Scwablenlender brothers, both veterans of WWII. Lee Fredericks will compile a list of varietal choices – ***Thomson moved to approve. Milheiser second. Motion carried.***
- Recommended approval to name Parcel 34F “Francis Schneider Memorial Park” or such name as designated by Schneider family. Recommended approval of a request by the Schneider family to plant 2 black walnut trees in memory of Frank Schneider under the direction of the PRUT Board – ***Milheiser moved to approve. Barribeau second. Motion carried.***

#### **For Information Only**

- Received progress report by the Coordinator regarding implementation of tree planting plan and designation of Village as “Tree City USA”.
- Tom Jack will gather information and photographs of park monuments and signage – Barribeau suggested that Jack contact Allison Blackmer, Town of Harrison, to arrange return of boulders that can be used as monuments.
- Received information regarding compliance with Ethical Conduct statutes.

***Beach moved to approve the balance of the PRUT report. Milheiser second. Motion carried.***

#### 11) Report of the Utility Commission

##### **Action Items**

- Recommend approval of Lakeshore Estates IV sewer and water plans pending stipulations of Village Engineer – ***Milheiser moved to approve. Miller second. Motion carried.***

##### **For Information Only**

- Directed Village Engineer to provide information as to why only 1 proposal for geophysical work for new water supply was obtained – Beach questioned why there is a need to locate a new water supply. Miller stated that the current wells both draw out of the same aquifer. The Utility Commission believes it is important to locate a new water source and drill a new well for use as the present supply decreases.
- Approved water line item budget adjustments.
- Authorized pay increases for Terry Woller subsequent to obtaining certification as Water Supply Operator and achieving 1 year of employment.
- Approved refund to Echo Estates Condominium Association for private fire protection water from February 24, 2001 to present.

- Directed Utility Technician to order and install water meter at Harrison Fire Station.
- Directed Coordinator to prepare and send letter to Town of Harrison regarding required installation of back-flow preventor at their expense. The installation is to be coordinated with installation by Sherwood Utility of water meter in 6-8 weeks.

12) Report of Village Officers

- a) President – No report.
- b) Trustee Milheiser: Discussion regarding use of commercial incinerators in the Village of Sherwood – Milheiser requested that the attorney draw up an amendment to the Nuisance Ordinance prohibiting the use of incinerators within the Village. She stated that Wisconsin law prohibits such burning and wants to specify same in the local ordinance, so that violators can be cited. Frassetto opined that the recycling ordinance might be appropriate for commercial incinerator restrictions. Attorney Frassetto was instructed to bring forward such an amendment.
- c) Clerk/Treasurer
  - i) Disbursement Reports – Milheiser asked why Lisa Lau was paid \$20. The Clerk reported that this payment was made for Lau coming in to train the new employee.

13) Village Engineer

- a) Discussion and approval of agreement for services regarding Forest Ln., Palisades Tr., Bridle Ct. and Blackcherry Ct. stormwater investigations – Van Lieshout stated that at their prior meeting the Board directed that he seek solutions to drainage problems. McMahon Engineering will conduct studies and provide options for solutions. A drainage system evaluation of Bridle Rd. and Blackcherry Ct. is proposed at a cost of \$1,950. Evaluation of the system at Palisades Tr. and Forest Ln. area is proposed to cost \$2,300. ***Barribeau move to approve the agreements, adding Sundown Ct. Milheiser second. Motion carried.***

14) Village Coordinator

- a) Approval of the rezoning of a parcel of property located in the SW ¼ of the SW ¼ Section 29, Town 20N, Range 18 E, Village of Sherwood, Calumet County Wisconsin from C-1 to R-1 – Approved above.
- b) Approval of amending Section 6(d)(i) Sherwood Subdivision Ordinance No. 38 – ***Milheiser moved to approve. Thomson second. Motion carried with Beach voting nay.***
- c) Approval of refunding \$700.00 zoning change and conditional use application fee to Sherwood Lions Football – Dave Van Elzen asked for refund on the basis that the football group is a non-profit organization to promote youth activities. Milheiser stated that she believes it would be precedent setting to refund the fees. After discussion ***Miller moved to make a donation to the Sherwood Lions Football Program less the cost of publishing notices. Milheiser second. Motion***

- carried with Beach voting nay.** In response to Van Elzen question, Van Lieshout stated that trenching and installation of lights can begin after a zoning permit is obtained. Van Elzen stated that Bob Dhein will be surveying the property and asked Van Lieshout to approve the survey. Van Lieshout stated that all he needs to see is the licensed surveyors stamp affixed to the survey. Van Elzen stated that he is willing to “fix up the whole ball diamond” and asked for permission to do so immediately after the church picnic. Milheiser noted that the issue was not an agenda item. The Coordinator was instructed to put the matter on the next meeting agenda.
- d) Approval and Discussion with Deb Bush, Legend Investments regarding web page design and hosting services – Deb Bush offered to provide a Village web page and maintenance at no cost to the Village. The Village would be able to post community events, as well as public notices, agendas, meeting minutes, etc. Beach asked that references be furnished. Barribeau suggested that Bush investigate the Town of Harrison web page for concepts. Milheiser and Miller requested that the Board be able to review the contents of a temporary web site before making it generally available.
- e) Approval and discussion of Non-TIF GO projects list – Van Lieshout presented a list of non-TIF capital projects totaling 542,000. for borrowing consideration. Listed projects/purchases were discussed.
- f) Approval of the Village Newsletter – **Milheiser moved to approve. Thomson second. Motion carried.**
- g) Discussion and Approval of Amendment to the Plan Commission Ordinance, effectively removing the Village Engineer from the Plan Commission – Attorney Frassetto was directed to bring forward an amendment for consideration. The composition of the Board will be: two Trustee members, one of which will serve as Chair, the Chairman of the PRUT Board, and four citizen-at-large members.
- h) Discussion and Action regarding paving the center island of Questa Ct. – Mike Krueger, Questa Ct. developer, was present and objected to the Board’s action, made without prior notice to him, to remove the island and pave over. Van Lieshout reported that during deliberations regarding awarding the 2001 road paving contract, the Public Works Supervisor recommended removal of the island to facilitate snow plowing. He reported that a previous Board approved the curbed and maintained island when development approval was being deliberated. The island did not, however, appear on the plat, was not dedicated, and lies in the public right-of-way. Krueger stated that he is willing to pay for 100% of the cost of curb installation. He requested that if the island is removed, he should be reimbursed \$525. for his costs. **Miller made a motion to retain the island, in view of Krueger’s payment for curbing.** Van Lieshout commented that a change order to the paving contract will be needed. Krueger noted that the change order should include a decrease for the cost of asphalt, which will no longer be needed [to pave the area of the island]. **Milheiser seconded the motion. Motion carried with Beach voting nay.**

- i) Discussion and Action regarding drainage on Golf Course Road and N. Niagara Ct. – Van Lieshout reported that several residents registered complaints about their drainage ditches, which have filled in. Although these individuals asked that the issue be placed on the agenda, they did not appear at the meeting. He will continue to enforce the ordinance regarding ditch maintenance.

15) Village Attorney – Nothing of significance to report.

16) Presentation of correspondence, resolutions, and related matters

- Barribeau commented that illegally posted “Lose Weight” signs were removed.

17) Adjournment – *Barribeau moved to adjourn at 9:50 p.m. Thomson second. Motion carried.*

Minutes respectfully submitted,

Ellen Maxymek  
Village Clerk

Village Board Meeting Minutes  
June 25, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Michele Muchowski  
Carl Thomson

**Absent**

Dave Miller – Excused

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda: *Barribeau moved to approve the agenda changing agenda item 10 to follow item 6. Milheiser second. Motion carried.*
- 4) Approval of Minutes: *Beach moved to approve the minutes of the June 11, 2001 meeting. Barribeau second.* Beach stated that, regarding page 7, agenda item 14) d), he would like the references given verbally by Deb Bush of Legend Investments to be made part of the record and that he would like Bush to furnish written references. *These corrections noted, motion to approve carried.*
- 5) Registered citizen comments on agenda items
- 6) Public Hearing regarding the regulation of parking motor vehicles on State Park Road.
- Joe Sell, N7915 State Park Road, stated that he preferred that parking be permitted on one side of State Park Road. He reported that construction vehicles need somewhere to park.

Following three calls for public comment the hearing was closed.

- 7) Consent Agenda
- a) Approval of Operators Permit: *Milheiser moved to approve the permit application of Krista R. Lucht. Laux second. Motion carried.*
- 8) Report of the Utility Commission: The report was accepted as presented, no action was required.
- 9) Report of Village Officers
- a) President – None.
- b) Clerk/Treasurer

i) Disbursement Reports

- In response to Milheiser' inquiry, Maxymek noted that a payment in the amount of \$10,685. to Brennan Fraser Roofing and Siding Co. was made for re-roofing the Legion Park Pavilion.
- Barribeau asked, in regard to a payment to Creative Financial Staffing, if a permanent staffing of the Finance Clerk position was hired. Van Lieshout stated that three candidates were interviewed and he would be making an offer of employment the following day.
- Answering Milheiser's question about payment to Brush Boy Custom Signs, Van Lieshout stated that it was made for fabrication of the last batch of the vertical emergency numbering signs.
- Barribeau question the nature of \$1,500 in payment to Virchow, Krause & Co. annotated as outside accounting services. Maxymek responded that this paid for hourly services by the accountants to resolve questions and issues outside of the scope of the audit such as filing of stated required reports, proper booking of adjusting entries and the like.

ii) Financial Reports – The financial reports were accepted as presented.

10) Village Financial Consultant

- a) Discussion and approval of Non-TIF General Obligation borrowing – Dave Wagner, Ehlers & Associates presented a revised borrowing plan including non-TIF projects to be financed. He reviewed the capitalization schedule and recommended that \$98,000 be used to pay off Utility Revenue Bond debt. Regarding the incurrance of non-TIF capital projects debt, Wagner indicated a level of discomfort with borrowing all the way to the debt limit. He reviewed a capitalization schedule, which showed the impact of borrowing at the maximum level of \$450,000. The borrowing will be structured so that project substitutions can be made from the priority list of non-TIF projects. Wagner indicated a comfort level in waiting to sell the notes until August rather than in July as previously planned. He indicated that if we wait longer might not be assured the most advantageous rate of interest. ***Milheiser moved to approve the borrowing of \$260,000 for non-TIF projects. Thomson second. Motion carried. Barribeau moved to amend the motion to include approval to borrow \$1,340,000 for TIF projects. Beach second. Amendment carried. Amended main motion carried.***

11) Village Engineer

- a) Discussion regarding stormwater detention ponds – Rosenbeck reported on progress of the Nuthatch Pond and the Miller Pond projects. Fulfilling the DNR requirements for permits has been a difficult and painful process, he reported. The DNR required extensive documentation including the control of storm water in a 100-year rainfall event. In answer to a question by Beach, Rosenbeck reported that plans for storm water management included the construction of two retention ponds in addition to those completed or under construction [per Storm Water Management Plan]. We are now ready to advertise for construction bids and are planning a bid opening date of July 20 with contract approval expected to take place at the July 23, 2001 meeting of the Board. Construction will be scheduled to start in August and be completed around Thanksgiving. Seeding and planting will

take place next Spring. Rosenbeck distributed an agreement for engineering services for the design and construction of Miller Pond at a maximum of \$46,500 and Nuthatch Pond at a maximum of \$10,500 for a total time and material amount not to exceed \$57,000. **Milheiser moved to approve the agreement. Laux second. Motion carried.**

- b) Discussion regarding street construction – Rosenbeck reported that the pre-construction conference for 2001 street paving, and the Pigeon Road reconstruction projects are scheduled for June 26, and June 27 respectively. The projects will start shortly thereafter and the contractors are required to notify affected property owners of the schedule. Rosenbeck noted that an action to approve a change order to the street-paving contract will be presented later on the agenda. The change order to construct curbing around the Questa Court island is quoted at \$1900. With a saving in asphalt cost expected at \$250, the net for the construction will be approximately \$1650. Rosenbeck recommended that if Developer Krueger balks at paying the cost we revert to the original plan to pave over the island. Rosenbeck agreed to contact Krueger and verify that he intends to pay the additional cost. It was the consensus of the Board that if Krueger agrees to pay for the construction they will approve the change order.
- c) Subdivision review re. utilities, roads, drainage issues – Rosenbeck reported that there are eight subdivisions with uncompleted punch list items. He recommended denying building permits until the items are completed. By next meeting he will have issued an approval letter for action or will report on new punch lists. It is time, he said, to bring down the hammer.
- Beach asked if anything new is happening in regard to rip-rapping the Big Lake and Little Lake ponds located in State Park Estates. He also that wire or plastic mesh lining of the ponds might keep muskrats from further eroding the banks. Van Lieshout read his letter [included in meeting packet] addressed to Michael Haase of the Calumet County Land and Water Conservation Department into the record.

#### 12) Village Coordinator

- a) Second reading of the rezoning of a parcel of property located in the SW ¼ of the SW ¼ Section 29, Town 20 N, Range 18 E, Village of Sherwood, Calumet County Wisconsin from C-1 to R-1 – Following the second reading **Laux move to ratify approval of the rezoning amendment. Barribeau second. Motion carried.**
- b) Second reading amending Section 6(d)(i) Sherwood Subdivision Ordinance No. 38 - Following the second reading **Laux move to ratify approval of the amendment to Ord. No. 38. Barribeau second. Motion carried with Beach and Milheiser opposed.**
- c) Discussion and action regarding the reconstruction of Legion Park Ball Diamond – Following discussion, Rosenbeck was asked to contact parties to the construction project in order to obtain assurances that the project will be undertaken and completed in a manner acceptable to Village standards. **Milheiser**



*moved to table the issue until more information was available. Thomson second. Tabled.*

- d) Approval of correspondence re. Sherwood Lions Football, Inc. performance bond request/construction of football field at Lions Park – The correspondence was approved.
- e) Approval of letters to Painter and Schneider – Correspondence to Shirley Painter re. Drainage of Windwept Shores II and Lot 1 CSM 2101 was approved as written. Rosenbeck suggested that the owners of Lot 1 and Windwept Shores II should be notified that building permits will not be issued until the drainage problems ascribed to the plats are resolved.

Correspondence to Warren Schneider regarding the dedication of Schneider Park was approved deleting reference to payment of expenses to place or inscribe monument. It was noted the Springhill Drive not Palisades Trail bounds the park. The Board earmarked three of the boulders known as “the Fruits of the Questa” for placement as a monument in Schneider Park and one as a monument to Julius Schmidt in Legion Park.

- f) Approval of an Authorizing Resolution for the CWF loan – ***Barribeau moved to designate the Village President as Authorized Representative and to approve Resolution No. 01-06 empowering the authorized representative to do all things necessary in connection with filing applications for financial assistance from the State of Wisconsin Environmental Improvement Fund. Thomson second. Motion carried.***
- g) 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. (Krueger development issues)
- h) Approval of a change order for installing curb to the center island of Questa Ct. -

### 13) Village Attorney

- a) Approval of a resolution forming Wards 1 & 2 – After introducing the draft resolution, Frassetto obtained the consensus of the Board that the resolution will designate the Community Center as the polling place for both Wards 1 and 2 as and that candidates for trustee will run at-large. The boundaries of the wards will be as described in exhibit A attached to the resolution. Frassetto will prepare the final resolution and present it for approval at the meeting of July 9.
- b) Approval of an amendment to the Plan Commission Ordinance – Frassetto presented amended Ordinance 16-2001 establishing the membership of the Plan Commission as follows:

- two (2) Village Trustees, which may include the Village President, to be elected annually by a simple majority of the Village Board,
- the Chairman of the Park, Recreation and Urban Tree Board,
- four (4) citizen members appointed by the Village President for three-year terms.

***Milheiser moved to approve the amendment as stated. Laux second. Motion carried with Beach voting nay.***

- c) Discussion regarding commercial incineration – Frassetto stated that while either the nuisance ordinance or the recycling ordinance would be vehicles to which an amendment prohibiting commercial incineration the difficulty of enforcement would remain. Since state statutes already prohibit unpermitted burning the Board instructed Frassetto and Van Lieshout to compose a letter to commercial establishments ordering them to desist from incinerating and giving a time limit for compliance.

14) Presentation of correspondence, resolutions, and related matters

- In a related issue Van Lieshout introduced a letter stating the Village Board's support of Calumet County's pursuit of a grant to support the removal of hazardous waste from homes. ***Milheiser moved to send the letter of support. Barribeau second. Motion carried.***
- The Board approved Van Lieshout's letter to Tracy Royer, Cliffwood Estates II developer, stating that building permits would not be issued until the subdivision was accepted by the Village.
- Upon inquiry by Barribeau, Van Lieshout stated that the letters regarding the emergency numbering system were at the printers and would be mailed by the end of the week.
- Answering a question by Barribeau regarding why some of the newly painted fire hydrants were painted yellow and others were red, Rosenbeck reported that the yellow hydrants have a higher pressure for flushing the water system, while the red are for fire fighting.
- Van Lieshout reported his discussion with Rollie Stephenson regarding his offer to provide the Village with street sweeping equipment. Stephenson is prepared to purchase used equipment, however on the advice of the Bill Diedrick, Van Lieshout is obtaining information on new equipment with the possibility of cost sharing with the donation by Stephenson. Storage of additional equipment is a problem. Beach suggested that the Village might look into sharing the cost and use of street cleaning equipment with other municipalities.
- Responding to Barribeau, Van Lieshout stated that staff evaluations will be completed and presented at the meeting of July 9.

- Laux stated that it has been reported to her that Cliffwood II developer Royer made a statement to prospective buyers that a school in Sherwood has been guaranteed by Kaukauna School District.
- Following a discussion about uncut weeds throughout the Village, Milheiser suggested bringing in outside contractors to mow the weeds if property owners do not respond to notices to cut in a timely manner.
- Beach asked about the status of the soccer fields in the new park. Van Lieshout stated that the contractor has his equipment at the park ready to complete the contract to specifications.
- ***Laux moved to proceed into closed session per State Statute 19.85(1)(g) at 8:55 p.m. Milheiser second. Motion carried.***
- ***Laux moved to return to open session at 9:15 p.m. Second by Milheiser. Motion carried.***

15) Adjournment – ***Thomson moved to adjourn at 9:17 p.m. Laux second. Motion carried.***

Respectfully submitted,

Ellen Maxymek,  
Village Clerk

**Village Board Meeting Minutes  
July 9, 2001**

- 1) Call To Order and Roll Call – Vice President Laux called the meeting to order at 6:32 p.m. Roll was called as follows:

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Michele Muchowski  
Carl Thomson

**Absent**

Dave Miller – Excused

**Others Present**

Steve Frassetto, Attorney  
Gary Rosenbeck, Engineer – 7:00 p.m.  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works Supervisor  
Ellen Maxymek, Clerk/Treasurer

- 2) Pledge of Allegiance
- 3) Approval of Agenda – *Barribeau moved to approve. Laux second. Carried.*
- 4) Approval of Minutes – *Barribeau moved to approve. Milheiser second. Carried.*
- 5) Public Hearing: Regarding amending Section 4-9D1 of the Sherwood Zoning Ordinance to allow garages to have a maximum floor area of 1,500 square feet –
- Michelle Kamrowski, W5154 Blue Heron Court, stated she plan to add up to the 1,500 sq. ft. maximum garage space in an addition. She plans 3 overhead garage doors, one at the rear of the building to be used as a service entry with an overhead door which can be opened with a remote control device. The amendment language states that “Service entries do not count against the number of doors and should be placed on a non-street facing wall unless the home is on a corner lot...” She asked if the amendment as stated would allow the planned addition.

Following three calls for public comment, Laux announced the hearing closed.

- 6) Registered citizen comments on agenda items –
- Michelle Kamrowski, W5154 Blue Heron Court, re. Agenda Items 5 & 8.
- 7) Consent Agenda
- a) Approval of Operators Permit
- i) Kerri Leigh Loiselle – Milheiser moved to approve. Laux second. Carried.*
  - ii) Julie G. Resch – Milheiser moved to approve. Laux second. Carried.*
- 8) Report of Plan Commission
- Action Items**
- Recommended approval of a CSM submitted by Steve and Michelle Kamrowski combining Lot 16 and the W ½ of Lot 15, Nature Haven Estates, for the purpose

of building a home addition. ***Milheiser moved to approve the CSM as submitted. Barribeau second. Carried.***

- Recommended approval of a street lighting plan for State Park Estates III with up-front installation charge paid by developer. Acceptance of monthly facilities charge and energy charge totaling 21.57 paid by Village. ***Milheiser moved to approve the street lighting plan as submitted. Laux second. Motion carried.***
- Recommend approval of installation of one street light to be installed at the expense of the Village at Castle Drive and Cliffwood II Subdivision at an unbudgeted cost of \$1,291.70 and acceptance of monthly facilities and energy charge of \$10.95. ***Milheiser moved to approve the installation. Laux second. Milheiser moved to amend the main motion to make approval contingent on eligibility for TIF financing or a deferral of charges until 2002. Laux second. Amendment carried. Main motion carried.*** Van Lieshout was asked to determine the cost to stub in the electric service to Castle Drive in the event that neither TIF financing or deferred financing are available.

#### **For Information Only**

- Approved Building, Site, and Operation Plans for a commercial structure adjacent to the Cliff Hanger, located in the SW ¼, SE ¼ Section 25 submitted by Gary and Hally Rosenbeck to house a karting equipment repair and storage facility with wholesale and retail sales, the majority of which is by mail.
  - Tabled a discussion regarding increasing the standard specification for street width and cross sections until more information from the engineer is available.
- 9) Report of the Village Officers
- a) President
    - i) Discussion and action to appoint a new Plan Commission Member – In the absence of the President ***Laux moved to table.***
  - b) Clerk/Treasurer
    - i) Disbursement Reports – Accepted.
- 10) Village Engineer
- a) Discussion and action regarding the reconstruction of Legion Park Ball Diamond – Rosenbeck stated that he is waiting to receive materials for his review. Tabled to future meeting.
  - b) Discussion and approval of subdivision punch list items – Rosenbeck stated that final subdivision inspections are scheduled for July 10. Tabled to future meeting.
  - Regarding Agenda Item 12) g) Discussion and action regarding 2001 asphalt paving program – ***Milheiser moved to change the order of the agenda. Laux second. Carried.*** – Rosenbeck reported that Badger Highway, Inc. pulverized the

existing asphalt on Leslie St., Lorraine St., Margaret St. and Margaret Ct. streets that were bid as an alternate bid and which were not accepted by the Board for contract award. He stated that Jim Heidemann, Badger Highways, was present to find a remedy to the problem.

Heidemann, stating that the roads were, in fact, pulverized in error, and proposed to apply new asphalt to the affected roads and delay billing the work until 2002. Rosenbeck stated that since State Park, Stommel and Golf Course Roads are already scheduled for 2002 reconstruction, and that he didn't think the budget would bear the additional expenditure. Consulting the Capital Projects Plan, Barribeau stated that it appeared the roads in question were not scheduled for reconstruction for several years.

Muchowski opined that since the error was Badger's, the contractor should be accountable for rectifying the mistake.

Heidemann then proposed that his firm absorbs the cost of milling, and surface preparation and split the cost of the asphalt surfacing. ***Laux moved to accept Badger's settlement offer with the cost to the Village not to exceed \$5,230, ½ of the cost to restore the 2-inch layer of pulverized asphalt. Thomson second. Beach, Milheiser and Muchowski voted nay. Lacking a majority the motion failed.***

***Milheiser moved to pay half of the cost of 1-inch of asphalt with Badger preparing the milled surface and covering the cost of the first 2 inches of asphalt. The motion died without a second.***

***Beach moved to have Badger absorb the cost of milling, finish preparation, and resurfacing with 2-inches of asphalt. The Village will pay the cost to apply an additional 1-inch of asphalt in order to bring the surface up to current road standards. Billing for the 1-inch surface, approximately \$5,620, will not be invoiced to the Village until January, 2002. Laux second. Motion carried with Milheiser voting nay.***

- Regarding Agenda Item 12) e) Discussion regarding Danielson/Kantelburg meeting – ***Laux moved to change the order of the agenda. Milheiser second. Motion carried.*** – Rosenbeck stated that he intended to handle the drainage issues referred to at the Danielson/Kantelburg meeting as part of the agreement to study and provide solution options to Forest Ln. drainage issues. When that study is completed, Rosenbeck said, the options would be brought before the Board for discussion/action.
- Regarding Agenda Item 12) c) Discussion and ratification of June 21, 2001 approval of McMahan contract No. S011-90322 Sewer Service Area Planning – ***Beach moved to change the order of the agenda. Laux second. Carried.*** Van Lieshout explained that the contract was approved by a majority of the Joint Board/Commissioners at the

special meeting of June 21, 2001. However, by the time that the matter had come to a vote, Beach had left the meeting, leaving the Village Board without a voting quorum. Attorney Frassetto recommended a ratification of the original vote. Van Lieshout further stated that Town of Harrison's Board voted to approve splitting 50%/50% the cost of Phase I of the Planning Area Study. ***Laux moved to approve the McMahon contract agreement with the understanding that Town of Harrison would pay 50% of the cost of Phase I. Milheiser second. Motion carried with Beach voting nay.***

11) Village Attorney

- a) Approval of resolution forming Wards 1 & 2 – ***Barribeau moved to approve the resolution as presented. Thomson second. Carried.***

12) Village Coordinator

- a) Discussion and action regarding keeping two yard waste dumpsters or seek other options – Beach requested a projection of the amount over budget that was anticipated for removal of yard waste. Maxymek answered that she anticipated the budget would be exceeded by \$1,000. Diedrick suggested that the dumpster be placed in the parking lot of the recreation center where it will be more exposed. Those dumping would therefore be more apt to put the waste into the dumpster not on the ground.
- b) Discussion and approval of per diems budget due to extra unplanned meetings – Beach asked for a projection of the amount expected to exceed the budget. Van Lieshout replied that he would calculate the amount and return with the information.
- c) Discussion and ratification of June 21, 2001 approval of McMahon contract No. S011-90322 Sewer Service Area Planning – Reported above.
- d) Discussion and action amending the zoning code to allow garages no larger than 1,500 sq. ft. – ***Milheiser moved to approve the amendment after changes to the text allowing rear facing garage doors. Thomson second. Motion carried. Beach nay.***
- e) Discussion regarding Danielson/Kantelburg meeting – Reported above.
- f) Discussion and action regarding dust control measures for Village streets – Van Lieshout reported that applying sodium chloride liquor would be a costly and very temporary measure to control dust on graveled roads. He stated that he and Diedrick agreed that the road repair budget would be better spent doing crack filling/sealing of existing road surfaces. Beach suggested posting 15 m.p.h. speed limit signs on graveled roads to slow down the traffic which was stirring up excessive dust. Diedrick reported that he does not have signs in inventory and that by the time they could be ordered and received the dry season will be over.

- g) Discussion and action regarding 2001 asphalt paving program – Mill State Park Road surface: Van Lieshout recommended that the section of State Park Road from the south border of Lakeshore Estates West to the north Village border should be milled off this year. Diedrick noted that milled asphalt from Pigeon Road would be added and the whole allowed to settle over the winter prior to surfacing in 2002. Discussion followed regarding the unbudgeted expenditure and having the road left without a surface while it is the alternate route into the Village during the reconstruction of Pigeon Road this summer. Frassetto stated that the road surfacing is an assessable project and expressed concern about dividing the project between two assessment years. A Preliminary Resolution would be needed, followed by preparation of an Engineer’s Report and preliminary assessment roll. A public hearing would also be required. Van Lieshout was directed to notice a special meeting to consider approval of a Preliminary Resolution, and proceed with the other steps.
- h) Discussion regarding ditches on Cliffwood Drive – Table to future meeting
- i) Discussion and action regarding “No Parking” on State Park Road. ***Laux moved to allow parking on one side of the street. Milheiser second.*** Thomson recalled that the No Parking order was temporary while Pigeon Road is under construction and that after reconstruction the permanent parking status would be considered. ***Laux withdrew her motion.*** Beach asked if the road was wide enough to allow parking. Frassetto reported that the road was approved with no prohibition of parking.
- j) Approval of a change order for installing curb to the center island of Questa Ct. – Following a reading of the change order ***Milheiser moved to approve the change order, contingent upon written documentation of Mike Krueger’s agreement to pay the amount of \$1,900 less approximately \$250 saved in un-applied asphalt. Barribeau second. Motion carried with Beach voting nay.***
- k) 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. – ***Laux made a motion to proceed to closed session at 8:42 p.m. Thomson second. Motion carried.***
- ***Laux moved to return to open session at 9:03 p.m. Barribeau second. Motion carried.***
- 13) Presentation of correspondence, resolutions, and related matters
- Van Lieshout reported that he has not received responses to the correspondence copied in the meeting packet.



- Van Lieshout reported that the Calumet County Conservationist has indicated that the Village can expect 75% funding assistance with the State Park Estates pond rip-rap project.
- Thomson inquired whether billing for damage to the right-of-way on Windswept Lane was sent out. Diedrick stated he would work up an estimate of the costs.

14) Adjournment – *Beach moved to adjourn at 9:25 p.m. Thomson second. Carried.*

Respectfully submitted,

Ellen Maxymek  
Village Clerk/Treasurer

# Village Board Meeting Minutes

July 23, 2001

- 1) Call to Order and Roll Call – The meeting was called to order at 6:32 p.m. by President Miller. Roll was called as follows:

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Carl Thomson

**Absent**

Michele Muchowski

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – **Barribeau moved to approve the agenda. Milheiser second. Motion carried.**
- 4) Approval of Minutes: **Milheiser moved to approve the minutes of the July 9, 2001 meeting. Laux second.** Beach pointed out that the last sentence in 12) i) was in error: *None of the other roads in the Village are posted for “No Parking”* and asked that the sentence be deleted. **With this correction the motion carried.**
- 5) Registered citizen comments on agenda items – None.
- 6) Financial Advisor Phil Cossen, Ehlers Associates – Cossens reported that Harris Trust was the low bidder of five to purchase \$1,600,000 of GO Notes at a lower than expected rate of 4.30%. The discount fees are also lower than anticipated with insurance paid out of the discount. These terms are anticipated to save \$84,000 over the term of the note.
- a) Discussion and Approval of A Resolution Authorizing and Providing for the Sale and Issuance of \$1,600,000 General Obligation Promissory Notes, Series 2001A and All Related Details – **Beach moved to approve the above resolution. Milheiser second. On a roll call vote, Barribeau, Beach, Laux, Milheiser, Miller, and Thomson voted aye. No nay votes were cast. Motion carried.**
- 7) Consent Agenda
- a) Approval of Temporary Class “B” Retailer’s License
- i) St. John/Sacred Heart Church – **Barribeau moved to approve. Milheiser second. Motion carried.**
- b) Approval of Operators Permit
- i) Ruth Russell – **Milheiser moved to approve. Thomson second. Motion carried.**
- 8) Report of the Utility Commission – No action was required.

**a) For Information Only**

- i) Approved modifying a proposal by Layne Christensen Company to drill a test well, the total project with previous geophysical work cannot exceed \$15,750
  - ii) Well operation permits are being sought from four remaining parties, two previously out of compliance have been sent letter from Attorney Frassetto
  - iii) Approved payment of \$98,000 in BANs per the suggestion of Dave Wagner in order to facilitate the 2001 borrowing
  - iv) Approved pavement repairs to Palisades Tr. and Clifton Rd. as caused by water mains. Will plan for repair of asphalt on Sundown Ct. in 2002
  - v) Accepted Utility improvements for State Park Estates II
  - vi) Accepted Utility improvements for Lakeshore Estates II
- 9) Report of the PRUT Board

**a) For Action**

- i) PRUT Board recommends to the Village Board to consider the following equipment be budgeted for and purchased in 2002 for Wannick Park: soccer goals, nets, lining machine, cones, and strings - No action at this time. The recommendations will be considered during the next budget process.
- ii) PRUT Board recommends to the Village Board to consider including a park development fee with all building permits issued for new construction. The PRUT Board also recommends to the Village Board that subdividers be responsible for paying a park development fee with each new subdivision – Rosenbeck reported that it is common for developers to pay these kinds of fees. However, fees of this kind are not normally collected from applicants for building permits. No action was taken.
- iii) PRUT Board recommends to the Village Board to consider the establishment of a memorial trust for municipal parks – No action.
- iv) PRUT Board recommends to the Village Board the following changes in the design of the Wannick park pavilion:
  - ◆ Increase the size of the storage area to accommodate mowers, lining equipment, play equipment, sprinklers, etc.
  - ◆ Change the rear service door to a small garage door
  - ◆ Use decorative block instead of cinder block for the restroom/storage area in a neutral color
  - ◆ Use asphalt shingles for the roof in neutral color
  - ◆ Bubblers (2)
  - ◆ Include Concession stand in the enclosed portion of the pavilion. Separate this from the storage area. Install only a sink in the concession area. **NO STOVES OR REFRIGERATORS**
  - ◆ Lots of electrical outlets throughout the pavilion

- ◆ Install a big spigot for watering the playing fields
- ◆ Have ‘hose out’ interiors in the men’s and women’s bathrooms
- ◆ Dead bolt with pull handles on the doors
- ◆ Downspouts and rain gutters
- ◆ Cupolas – Miller questioned the advisability
- ◆ The pavilion should be orientated in a way that for visibility of the playing fields, tot lot, picnic area and provide shelter from the north winds
- ◆ Diaper changing station in the men’s and women’s bathrooms

Beach stated his preference that the bathrooms be built as a separate facility from the pavilion. Miller said that cost will be the major factor in determining the implementation of all the above suggestions and recommendations.

Rosenbeck stated that the Board already decided on a single building design. Major changes to the plans will cost more in design fees, he warned. Thomson suggested that the Village go ahead with the plans as they are drawn. Diedrick asked that adequate toilet facilities be planned, suggesting 3 stations per bathroom. Van Lieshout was asked to find out if 3 toilets per room can be accommodated without changing the structural plan.

The Board suggested that the above recommendations should be implemented providing they do not add excessive cost to the design or construction of the shelter.

**b) For Information**

- i) Tom Jack has spoken with the Schneider Family about the naming of the park at Spring Hill and Sundown. The Schneider Family would like it to be named “Schneider Park.” Warren thought the use of the rocks from the “Fruit of Cuesta” in Harrison’s possession was a great idea for a park sign. Warren also expressed an interest in installing a black walnut tree on the park property.

10) Report of Village Officers

a) President

- i) Discussion and action to appoint a new Plan Commission member – Miller stated his selection of Dave Erdahl as appointee to the Plan Commission. ***Milheiser moved to approve the appointment of Dave Erdahl. Thomson second. Motion carried.***

b) Clerk/Treasurer

- i) Disbursement Reports – The disbursement reports, and financial reports were presented. On inquiry by Laux, Maxymek reported the designated and undesignated fund balances appearing in the balance sheet report. She stated that Board required 25% fund balance reserve calculates at \$164,000 while the undesignated fund balance exceeds the required reserve by \$54,000. Maxymek reported that she will be bringing budget amendments to the Board for approval at the next meeting to increase the budgets for Board approved spending for emergency numbering signs, tree planting expenditures, and

donation expenditures. In addition a budget amendment for recreation center expenses should be made since the budget for utilities at the rec center is already fully spent out. In the event other group budgets become over expended, itemized vouchers will be presented to the Board for approval before payment.

- 11) Village Engineer – Rosenbeck and Van Lieshout noted that the Questa Court island has been paved over. When Mike Krueger was presented with a written agreement to pay the increase in the road-paving contract necessary to curb the island, he refused to sign unless the Village made additional concessions. Per express Board action, the change order to curb the island was therefore mute and the cul-de-sac was paved.

Rosenbeck presented “punch lists” of items needing completion in subdivisions developed over the past two to three years. The subdivisions were accepted by the Village, he said, contingent upon completion. **Miller moved to discontinue issuing building permits in these subdivisions until the punch list items are completed. Thomson second.** Developers are to be notified as well as known lot owners if lots have been sold or are pending sale. **Motion carried unanimously.**

- 12) Village Attorney – Frassetto noted that a sheriff sale of the Hawkinson property is scheduled on August 8, 2001.

13) Village Coordinator

- a) Discussion and approval of per diems budget due to extra unplanned meetings – On inquiry by Beach, Van Lieshout reported that approximately \$1,500 in additional per diems expenses is likely as the year progresses.
- b) Discussion regarding letter to DOT for Speed limit reduction on STH 114/55 and STH 114 – An initial letter prepared and presented by Van Lieshout was approved. Beach requested that a similar letter be sent to Calumet County to request lowering the speed limit on County Hwy. M.
- c) Discussion and action to disallow claim by Secura Insurance/Muchowski against the Village for property damages caused by a sewer backup – Van Lieshout reported Muchowski’s request that the issue be tabled until she could be present. Frassetto stated that the matter should be handled expeditiously but that it could be brought back to the next meeting for reconsideration. Van Lieshout stated that it was the position of the Village’s insurer that because the loss resulted from a broken part in the lift station no negligence was involved. Therefore the claim should be disallowed. **Milheiser moved to disallow the claim per the advice of our insurance carrier and attorney. Miller second. Motion carried.**
- d) Discussion and action regarding claim by Tom Ott / Holly Ott for vehicle damage at W471 Veterans Avenue – Following discussion **Miller moved to disallow the claim. Laux second. Motion carried.**
- e) Discussion and action regarding vacation of pedestrian easement on Lot 43 Sherwood Forest Subdivision – Rosenbeck stated that, if the Village is going to entertain the idea of building a road from Sherwood Forest Subdivision down to

Clifton Road, he recommends notification of property owners and a Public Hearing on the matter. Beach recalled that Developer Schulz stipulated that he would build an egress road from the subdivision out to the south. He questioned the wisdom of building roads at the expense of the taxpayers. **Miller moved to refer the matter of amending the Official Road Map back to the Plan Commission for recommendation. Beach second. Motion carried.**

- f) Discussion and Award of contract for the construction of Miller and Nuthatch ponds – Rosenbeck stated that excess spoils from pond construction can be used in the TIF Park. He also noted that 30-50% of the cost of planting trees in the projects could be eliminated if the Board decides to reduce the number of plantings. Milheiser questioned the high cost of seeding the dry bottom ponds in prairie grasses. **Barribeau moved to award the contract for construction of the detention ponds to the low bidder, Reliance, Inc., in the amount of \$483,194.33. Laux second. On a roll call vote, Barribeau, Beach, Laux, Miller, Thomson voted aye. Milheiser voted nay. Motion carried.**
- g) 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 motion.

Using the format enclosed in the meeting packet, the Trustees will evaluate the performance of the Coordinator and return the forms to Frassetto at the next meeting. Frassetto will tabulate the results for a following discussion.

14) Presentation of correspondence, resolutions, and related matters

- Beach asked that a snow fence type barricade be used to enclose the volleyball court area that is under construction.
- Regarding the Engineer's correspondence about drainage problems on Brian Painter's Lot 2 of CSM 2046 reconfigured and re-recorded as CSM 2101, Rosenbeck reported it was clear to him that drainage problems were caused by unapproved changes to the lot lines and drainage patterns. These change were apparently not reported to Painter by the developer. Rosenbeck stated that the Village has two approaches under it's control to address the issues:

The owner of Lot 1 should be required to re-grade the ditch line along the common lot line between Lot 1 and Lot 2. He should also be required to re-grade the front ditch line from the north line of Lot 1 to the culvert at the intersection of State Park Road and Lakeshore Lane. The re-grading should be done subject to approval of the Village Engineer and should be a condition to future approval of a building permit for Lot 1.

The west lot line of Lot 176 of Windswept Shores II should be graded along the lot line of Lot 2 of CSM 2101. Approval of drainage improvements in Windswept Shores II should be conditioned by the grading.

Frassetto stated that the above suggestions can be brought up at the next meeting for approval.

On Beach's inquiry, the Clerk reported that CSM 2046 and CSM 2101 were signed by Village President Randy Ott and recorded. Although the Plan Commission/Village Board approved CSM 2046 with contingencies, the record does not reflect that the reconfigured CSM 2101 was brought before or approved by either Plan Commission or Board.

- Van Lieshout reported that the Village web page has been designed by Deb Bush of Legend Investments and has a temporary web address as noted. Thomson suggested that permission be given to proceed with web site development and to revisit the matter in six months to see if the Board is satisfied with the results.
- Van Lieshout reported that 9 of the trees of the planted this spring have failed. Fox Valley Nursery has replaced 3 hawthorns and made an offer to credit ½ the cost of 6 flowering crabs, saying that they were improperly planted. Van Lieshout will continue to negotiate for additional credit.
- Van Lieshout presented information on used street sweeping equipment. He will contact a possible donor regarding funding toward a purchase.
- The Clerk reported that the Board of Review is scheduled for August 9 from 6-8:00 p.m.
- Miller asked if Pigeon Road paving can be done earlier than November in view of the fact that late paving has resulted in surface failures in the past. Rosenbeck will look into possible earlier scheduling.
- Barribeau reported that 16 inch driveway culverts are being installed rather than the 18" required in Village specs. Van Lieshout will meet with the Building Inspector to assure that the situation is rectified.
- On inquiry by Barribeau, Van Lieshout reported that Springbrook Lawn and Tree Service has been contracted to mow uncut parcels.
- Implementation of the emergency numbering signs is proceeding, according to Van Lieshout. More than 35% response has been received to a letter regarding the type of sign desired. A second letter will be sent to those who did not respond. Horizontal signs will be ordered following the second mailing. Letters will be sent to those who chose vertical signs that are ready for pick-up. Vertical signs will be distributed to the remaining residents who do not respond to the mailings.
- Van Lieshout, responding to Barribeau, said that if the State Park Estates ponds rip-rapping project goes over \$30,000 the county will grant 70% funding. He is proceeding with planning for project management and bid specifications at this time.

- Van Lieshout stated he has not received any response to his letters to Allison Blackmer about performance bonding the Sherwood Lions Football park refurbishment project. Neither has she responded to requests to install a backflow-preventor on the Harrison Fire Station water outlet or to questions regarding payment for water used to irrigate seeding of the practice field turf.
- Barribeau asked why some of the fire hydrants are painted yellow. Diedrick reported that the yellow hydrants are high pressure used for system flushing. Barribeau asked that Fire Department personnel be made aware that these hydrants should not be used for fire fighting purposes.
- Barribeau reported that illegal signs advertising weight loss are appearing once again and asked Van Lieshout to contact for removal.
- Van Lieshout reported that Connie Deinor has been hired starting August 6 to fill the position of Finance Clerk/Utility Clerk.
- Regarding dead animal removal, the DNR is not funding carcass removal any longer. However, Calumet County Highway Department will pick up the slack on road kill, according to Mike Ottery, Highway Department Supervisor.
- Diedrick reported that 25-30 loads of asphalt millings has been piled on the rodeo grounds parking area. He arranged for the Town of Harrison road crew to spread and grade the millings over the parking lot.

15) Adjournment – *Miller moved to adjourn the meeting at 9:20 p.m. Barribeau second. Motion carried.*

Respectfully submitted,

Ellen Maxymek, Clerk



Village Board Meeting Minutes  
August 13, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michele Muchowski  
Carl Thomson

**Others Present**

Steve Frassetto, Attorney  
Gary Rosenbeck, Engineer – 6:36 p.m.  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works  
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Milheiser second. Motion carried.***
- 4) Approval of Minutes – ***Beach moved to approve the minutes of the meeting of July 23, 2001. Laux second. Motion carried.***
- 5) Registered citizen comments on agenda items
- Dave & Carol Schmalz, Developers Fairway Estates Subdivision, Agenda Item 10) b)
  - Louis Resch, Developer State Park Estates II & III, Agenda Item 8) a)
  - Mark Hartzheim, Hartwood Homes Builders, Agenda Item 8) a)
  - Bob Gebheim, Owner Lot 72, State Park Estates II, Agenda Item 8) a)
  - Mike Peterson, Owner Lot 76, State Park Estates II, Agenda Item 8) a)

***Miller moved to bring forward Agenda Items 10) b) and 8) a). Barribeau second. Motion carried.*** – 10) b) Discussion regarding Memorandum from Dave Schmalz, J&D Developers, Fairway Estates – Dave Schmalz reported that he was in receipt of a letter notifying him of the Board’s action to place a moratorium on issuing building permits for lots in Fairway Estates Subdivion. He has been finishing the punch list items and called attention to a letter from Roger Teske, McMahon Associates, which states that punch list items, excluding installation of curb and gutter and ashphalting of walking trail, have been completed and are in compliance with Village Standard Specifications.

Schmalz reported that it was his understanding that the curb and gutters would be installed by the Village pursuant to Ordinance #38, Subdivision Regulations, Section VI Improvements, #3 and would be special assessed to property owners. Schmalz also stated he understood the regulation to include surfacing of the walking trail. He stated, however, that he was willing to surface the trail at his expense if the Village required it.

Van Lieshout reported that the Special Assessment Policy was silent in regard to finishing and assessing trails but that the Village has taken the stance that trails benefit the entire Village and beyond and should not be subject to special assessment.

***Miller moved to accept Fairway Estates Subdivision and to relieve the moratorium on issuing building permits, provided that the developer contracts at his own expense the paving of the trail to be completed by October 1, 2001. Beach second. Motion carried.***

Agenda Item 8) a) Discussion regarding subdivision punch list items –

- Mark Hartzheim, Hartwood Homes Builders, Contractor Lot 76, State Park Estates II
- Bob Gebheim, Owner Lot 72, State Park Estates II
- Mike Peterson, Owner Lot 76, State Park Estates II

The lot owners/building contractor noted above expressed the opinions that they were being penalized for the failure of Developer Louie Resch to complete the subdivision to the satisfaction of the Village. Resch stated that he was moving rapidly toward completion of punch list items and that he will have State Park Estates II and III completed and ready for acceptance in approximately 1 ½ weeks. Resch agreed to post a cash bond as allowed for in the Subdivision Ordinance. Frassetto will draw up a Developer Agreement to post a cash bond. ***Milheiser moved to lift the building permit moratorium to allow issuing permits on Lots 72 and 76. Miller seconded. Motion carried. Milheiser moved to accept a Developer Agreement to post a cash bond to assure completion of punch list items and to remove the building permit moratorium on State Park Estates II and III upon the posting of an appropriate bond. Miller second. Motion carried.***

6) Consent Agenda

a) Approval of Operators Permit

- i) Michael Brochtrup – ***Milheiser moved to deny. Muchowski second. Motion carried.***
- ii) Brad Kraut – ***Milheiser moved to approve. Thomson second. Motion carried.***

7) Report of Village Officers

a) President

b) Clerk/Treasurer

i) Disbursement Report – Presented

ii) Financial Reports – Presented

***iii) Approval of Vouchers over budget – Barribeau moved to approve. Milheiser second. Motion carried.***

***iv) Wisconsin Retirement Fund Credit – Maxymek reported receipt of an employer credit in the amount of \$4386.69 from the Wisconsin Retirement System. According to the Employee Trust Fund Employer Bulletin, “The credit is intended to give employers a holiday from making prior service payments, or in the event that an employer has no unfunded liability balance,***

a holiday from making an employer required payment.” Maxymek reported that interest accumulates on the approximate \$75,000 in unfunded prior service liability at a rate of 8%. ***Barribeau moved to apply the credit to the unfunded liability. Thomson second. Motion carried.***

- v) Approval of Budget Amendment – Maxymek recommended the following increases in revenue and expenditures based on the budget to date:

**Revenues:**

Intergovernmental	Increase \$ 5,112	
License & Permits	Increase \$ 729	
Public Charges for Services	Increase \$ 4,037	
Miscellaneous	Increase \$19,406	
<b>Total Increases In Revenue</b>		<b>\$29,284</b>

**Expenditures:**

General Government	Increase \$ 2,496	
Public Works	Increase \$ 4,000	
Health & Human Services	Increase \$ 1,300	
Conservation & Development	Increase \$ 3,700	
Capital Outlay	Increase \$16,000	
<b>Total Increases In Expenditures</b>		<b>\$32,496</b>

Following discussion ***Miller moved to additionally increase the budget for Public Works – Highway Maintenance: Outside Services by \$4,025. Milheiser second. Motion carried.***

***Barribeau moved to amend the budget as follows:***

<b><i>Total Increases In Revenue</i></b>	<b><i>\$29,284</i></b>
<b><i>Total Increases In Expenditures</i></b>	<b><i>\$36,521</i></b>
<b><i>Decrease Designated Fund Balance</i></b>	<b><i>\$ 7,000</i></b>
<b><i>Decrease Undesignated Fund Balance</i></b>	<b><i>\$ 237</i></b>

***Milheiser seconded the motion. Motion carried with Beach opposed.***

- 8) Village Engineer
- a) Discussion regarding subdivision punch list items – See above.
  - b) Approval of Change Order Number 2, 2001 Asphalt Paving – ***Barribeau moved to approve a change order to the 2001 Asphalt Paving Contract to provide pavement pulverizing, fine grading, a 2-inch base course, and 1-inch surface of asphalt in the amount of \$5,706.80. Laux second. Motion carried with Milheiser opposed.***
  - c) Final acceptance of the improvements for Fairway Estates Subdivision – See above.
    - Rosenbeck commented that the Pigeon Road Project storm sewer construction would be finished in the next week. Following that the road surface will be

removed. Diedrick asked if the millings are going to be crushed to a usable size. He was instructed to resolve the question with the engineer.

9) Village Attorney – Nothing to report.

10) Village Coordinator

- a) Discussion regarding claim by Secura Insurance/Muchowski against the Village for property damages caused by a sewer backup – Van Lieshout reported that Wausau Insurance has agreed to a 50% split with Secura Insurance on the property loss due to sewer back-up claim submitted by Michael and Michelle Muchowski.
- b) Discussion regarding Memorandum from Dave Schmalz, J&D Developers, Fairway Estates – Van Lieshout presented a memo from Barbara Grant outlining her recollections and notes in regard to Fairway Estates development issues.
- c) Discussion regarding letter from Tim Montour – Van Lieshout presented a letter from Tim Montour, N7798 Spurline Court, which questioned the impact of possible development of multi-family units [Fairways at High Cliff] on Golf Course Road. Questions included issues of road reconstruction following project development, buffer zone construction, run-off and drainage, access roads, exterior facades.
- d) Discussion regarding playing fields at Wannick Park – Van Lieshout requested input regarding previously discussed construction of a football field at the TIF Park. Miller responded in the negative. No responses were heard in support of building a field.
- e) Discussion regarding letter to Chas Reuter, Architect for Wannick Park Pavilion – Correspondence – The Board reviewed and approved correspondence to Reuter Design Associates regarding modifications requested in the park shelter design and specifications. Van Lieshout noted that when design is completed it might be prudent to request that the Village Engineers prepare and facilitate the bidding and construction process.
- f) Discussion and action regarding the acquisition of property for storm water detention basin number 2-C – Van Lieshout reported that he discussed the possibility of purchasing property from Jim Eckers, J & E Construction, on the south side of Clifton Road for the purpose of storm water detention. Eckers was not opposed to a possible sale. **Beach moved to approve an expenditure of \$1,000 - \$2,000 from TIF funds to obtain an appraisal of the property. Laux second. Motion carried.**
- g) Discussion and action regarding Schneider CSM's—Joe Beach – Upon Beach's inquiry, the clerk reported that she was unable to find documentation that CSM 2101 was approved by the Plan Commission or Village Board. Beach questioned the legality of the document recorded as CSM 2101 saying that it appears that the CSM was signed by the Village Board President and the Chair of the Plan Commission without the approval of the Village Board or Plan Commission.

Milheiser recalled that the matter was brought before the Board for approval. Miller suggested that the discussion be suspended in the absence of conclusive information. ***Miller moved to approve the recommendations of the Village Engineer to remedy those issues that are in the Village's control, as outlined in Rosenbeck's letter of July 16, 2001[Village Board Meeting Minutes – July 23, 2001]. Milheiser seconded the motion. Motion carried.***

- h) 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.
- 11) Presentation of correspondence, resolutions, and related matters – Van Lieshout responded to the following inquiries by Barribeau:
- a) Negotiations have not started regarding credit for failed tree plantings.
  - b) Met with possible donor who wants more information regarding maintenance of street sweeper.
  - c) Culverts with marked with “16” probably refers to gauge rating. Culverts in question have been measured and are 18” in diameter as required by Village standard.
  - d) Van Lieshout will prepare agreement for cutting un-mowed lots next summer. Lot owners should be charged back for cutting as stated in the nuisance ordinance.
  - e) Reported on progress of emergency numbering sign response and stated that horizontal signs will be ordered when responses have been received.
  - f) Barribeau will provide a list of places where he has seen illegal signs for removal.
  - g) Volleyball court is being reoriented to north/south direction, and is being refurbished.
  - h) Barribeau requested that curbs in no parking areas be painted yellow.
  - i) In response to Milheiser, Van Lieshout reported that he has not received response to notices to stop commercial incineration.
- ***Miller made a motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation at 9:07 p.m. Thomson second. Motion carried.***
  - ***Thomson moved to return to open session at 10:15 p.m. Barribeau second. Motion carried.***
- 12) Adjournment – ***Thomson moved to adjourn at 10:17 p.m. Barribeau second. Motion carried.***

Respectfully submitted,

Ellen Maxymek  
Village Clerk

## Village Board Minutes

August 27, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michele Muchowski  
Carl Thomson (6:40)

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*
- 4) Approval of Minutes: *Milheiser moved to approve the minutes of August 13, 2001. Laux second. Beach correction [re. pg.4) g)] Painter CSM change to Schneider CSM. Beach questioned the propriety of the process, change to legality of the document, saying that it appears that the CSM was signed by the Village Board President and the Chair of the Plan Commission without Village Board or Plan Commission approval. Miller stated that further discussion was to be put on the agenda of the next meeting. *Motion to approve the minutes carried.**
- 5) Registered citizen comments on agenda items
- Tracey Royer, Developer Cliffwood Estates II, re. agenda item 9)a)
  - Mike Siewert, Engineer Cliffwood Estates II, re. agenda item 9)a)
  - Rick Anderson, 420 Taylor St., Kimberly, re. agenda item 9)b)
  - Louis Resch, Developer State Park Estates II & III, re. agenda item 9)b)
  - Dave Erdahl, W4745 Nature Lane, re. agenda item 9)b) & 11)b)
  - Tom Jack, W4843 Escarpment Terrace, re. agenda item 11)e)
  - Lisa Sheppard, re. agenda item 11)f)
  - Mike Krueger, W4826 Questa Court, Developer Questa Court Subdivision, re. agenda item 11)g)
- 6) Consent Agenda
- a) Approval of Operators Permit - None
- b) Approval of Temporary Class “B” license for High Cliff Ridge Riders – *Milheiser moved to approve. Thomson second. Motion carried.*
- 7) Report of the Utility Commission
- 1) **Action Items**
- a) Accepted the utility improvements of Second Addition to Cliffwood Estates.

2) **For Information Only**

- a) Directed Engineer and Technician to gather information on the past well drilling at High Cliff State Park; Engineer to layout options and capital cost if successful sand/gravel test well drilled; Options and treatment costs if test well finds bed rock water
  - b) Approved budget increase in the amount of \$7,500 for engineering study.
  - c) Test results on permitted wells within the Village to be returned at next meeting for approval.
  - d) Directed Utility Technician to test well at Clifford and Helen Koutnik residence for a fee of \$25 instead of \$50 and re-clarify with her the reason for testing
- 8) Report of Village Officers
- a) President
  - b) Clerk/Treasurer
    - i) Disbursement Reports – None
    - ii) Approval of Vouchers over budget – None  
 Discussion re. Halloween trick or treat scheduling - Clerk was instructed to contact the Lions Club and schedule accordingly.  
 Discussion re. Fall Clean Up
- 9) Village Engineer
- a) Final acceptance of the improvements for Cliffwood Estates II Subdivision – Tracey Royer and Mike Siewert, developer and engineer of Cliffwood Estates II asked for final approval and acceptance of the subdivision. Van Lieshout reported that the Utility Commission has already accepted the utility infrastructure. In an inspection of the subdivision by the Village engineer it was found that seeding, swale completion, and grade correction needed to be finished. However, an engineer's letter recommending acceptance has not been received. Siewert reported that the remaining items were finished this date.

Barribeau asked the developer to explain why a foundation was dug, formed, and poured without a building permit and after a red stop work card was posted. Royer apologized, stating that the building inspector approved the footings and excavation in anticipation of having a permit within three days. His contractor poured the concrete without his instruction. There was then an unexpected delay of several weeks when he was forced, at his own expense to repair drainage problems created during the construction of another subdivision which backs up to Cliffwood II. He explained that his crews were about 3 months behind due to weather and other construction difficulties and that he is under pressure of losing sales.

Frassetto stated that the municipality has of redress regarding the permit infraction ranging from fines to the most extreme of making the developer/builder remove the foundation. The developer is present asking for acceptance of the subdivision so that building permits can be issued.

***Beach moved to authorize Van Lieshout to issue building permits contingent on a statement from the Village engineers that all specifications required to approve and***

*accept the subdivision have been met, or in the event the specifications are not met, that a performance bond and agreement will be posted by the developer. Approval will not waive any rights that the Village may have in regard to the permit violation. Laux second. Motion carried on a roll call vote. Voting aye were Beach, Laux, Miller, Muchowski. Voting nay Barribeau, Milheiser, Thomson.*

- b) Final acceptance of the improvements for State Park Estates II & III Subdivision - Rick Anderson, 420 Taylor St., Kimberly, owner of a lot in State Park Estates II questioned when building permits would be issued in the subdivision. Van Lieshout reported that a walk-through inspection was completed. Two water valves need repair or replacement, as well as finish grading and curb sweeping. Louie Resch said the remaining items should be finished in the next week. Attorney Frassetto stated, per the Board action of the previous meeting, he drew up an developer agreement to post a cash bond which will assure the work is completed or will allow the Village to finish the work and withhold payment from the bond. As soon as Mr. Resch signs the agreement and posts the bond the building permit moratorium will be removed.

Dave Erdahl, W4745 Nature Lane, stated that he had already put in his driveway and apron before the developer installed curb and gutter. Instead of making a clean cut of the apron, the contractor dug out chunks of the asphalt with a back-hoe. Erdahl asked who bears the responsibility to restore the apron. Frassetto stated he would check the subdivision code and contact the property owner with the findings.

- c) Final acceptance of the improvements for Mustang Acres Subdivision – In the absence of Developer Dave Petrie no action was taken.

10) Village Attorney – Requested to contact Calumet County as to the current status of Hawkinson property.

11) Village Coordinator

- a) Discussion regarding playing fields at Wannick Park – No discussion
- b) Discussion with State Park’s Estates Neighborhood Steering Committee regarding maintenance and development of municipal stormwater detention ponds – Dave Erdahl spoke on behalf of the newly formed Steering Committee. The vision and goals of the committee were stated in a letter to the Village President:
- ◆ To work with the Village to provide direction for the future of the SPE ponds
  - ◆ To form a partnership with the Village whereby the future direction of the ponds and budgetary concerns can be addressed
  - ◆ To provide sound improvement ideas and associated cost estimates
  - ◆ To locate contractors willing to reduce costs and/or donate labor/materials
  - ◆ To establish a working relationship with the DNR for necessary regulatory guidance
  - ◆ To see the ponds evolve into a more natural setting including plants and grasses to control algae, weeds, and erosion while promoting wildlife habitat
  - ◆ To decrease the time spent by the Village in maintenance



Diedrick expressed concerns that if the ponds are not rip-rapped in the near future erosion will progress out of control. Van Lieshout stated that initial cost estimates to implement committee goals would run two to three times over the \$30,000 grant that has been committed. Miller stated that the committee is simply asking for an assurance that the Village will hear their input.

***Beach moved to have the committee make a presentation and proposal to the Village Engineers. Miller second. Motion carried.***

- c) Discussion and action to rename “Schneider Park” to “Frank and Ann Schneider Park” – ***Thomson moved to rename Schneider Park to Frank and Ann Schneider Park. Milheiser second. Motion carried with Beach voting nay.***
- d) Discussion and action to cause the black walnut tree at Frank and Ann Schneider’s house to be transplanted to Frank and Ann Schneider Park – No action required. Miller reported that Tom Jack has agreed to move the tree on behalf of the family in the fall.
- e) Discussion and action regarding the location of emergency numbering signs – Tom Jack stated that concerns have been expressed by the Sheriff Department that some signs will be obscured from view by vegetation, or snow. The plastic mailbox posts are so large that some signs are hidden from view. In one case the sign was mounted on a lamppost 15 ft. from the roadway. Ideally signs should be mounted on top of the mailboxes or on the front of the mailbox post. Uniform placement is one of the goals of the signs. Jack asked that Village employees make efforts to inform property owners of proper installation of the signs when they are picked up. Van Lieshout stated that mounting instructions can again be handed out with the signs to facilitate proper mounting. Jack also said that old address numbers should be removed when the emergency signs are mounted.
- f) Discussion and action regarding approval of the 2001-2002 youth dance program – Lisa Sheppard stated she has received numerous contacts asking that the program continue. She reported 49 youth participants in 2000-2001 program, and 220 persons attending the end of season recital. Miller reported hearing similar positive comments. ***Beach moved to approve continuation of the dance program for the 2001-2002 season. Thomson second. Motion carried.***
- g) Discussion with Mike Krueger regarding rear lots to High Cliff Recreation Plat Number 1 – Krueger stated that he has found restrictions from building recorded on the face of the warranty deed of the backlot now owned by Tom Doughman. Frassetto reported that a restrictive covenant document excluded a lot owned by Keith and Paula Heid and a lot owned by Doughman. However, when then owner Frank Schneider deeded the back-lot to Doughman’s predecessor owner, he restricted the back-lot from building. Frassetto verified that Krueger has now found, and provided to him, this deed restriction and, although a similar restriction has not yet been found on the Heid lot, he presumes that it is also restricted. Frassetto will talk with Van Lieshout and will put the back-lot owners on notice that the deed restrictions prohibit building. Krueger stated his main interest at this time is to put the Village on notice that deed restrictions are in evidence and to have the matter recorded in the minutes.

- h) Discussion regarding correspondence from WDOT on reducing the speed limit on STH 114/55 in the Village of Sherwood – Van Lieshout reported that the DOT has stated that a speed study of the highway has determined the existing speed limit is reasonable and that 85% of motorists are voluntarily obeying the limit. The area is not, therefore, eligible for a speed reduction.
- i) Discussion and action to adopt a resolution supporting STH 114/55 as a controlled access highway – Van Lieshout will attempt to work out a solution by which, if the state agrees to lower the speed limit on Hwy. 114/55 the Board will agree to adopt a resolution in support of controlled access to the highway from the northwest to Castle Drive. No action.
- j) Discussion and action regarding State Park Road – Van Lieshout reported three complaints from the County Sheriff office regarding the condition of the road surface and about parking. Diedrick has applied cold patch to the worst areas. Laux stated that the Board has already passed temporary posting of No Parking signs during the reconstruction of Pigeon Road. Regarding a long term solution to the condition of the road Van Lieshout was instructed to get cost estimates from the engineer on milling up the surface. Beach asked that the number of sold and built on lots be documented.
- k) Discussion and action to amend Ordinance No. 41 establishing a village speed limit of 25 mph unless designated otherwise – ***Milheiser moved to approve an amendment to Ordinance 41 to designate all roads in the Village of Sherwood with a 25 mph speed limit unless otherwise designated in the ordinance.*** Beach stated he initiated an approved action in prior years to designate and post a standard speed limit of 25 mph. ***Beach second. Motion carried.*** The amendment will be returned for a second reading before it is adopted.
- l) Discussion and action to post speed limit signs on Lake Breeze and Castle Drives – Resolved by action item k) above.
- m) Discussion and action to post “children at play” signs on Lake Breeze and Castle Drives – Board agreed without action to install “children at play” signs on Lake Breeze Drive, Castle Drive and Clifton Road as needed. No action.
- n) Discussion and action to amend Ordinance No. 49-00E establishing stop signs at the intersection of Windsor Ct. and Cliffwood Dr. Windsor Ct. and Castle Drive – ***Milheiser moved to add the stop signs Windsor Ct. and Cliffwood Dr. Windsor Ct. and Castle Dr. Miller second. Motion carried.*** Thomson pointed out that there are several repeated designations for stop signs in the ordinance. He also stated that the ordinance language should state “*at the intersection of Spring Hill Drive and Palisades Drive (4 signs) and Sundown Court, Spring Hill Drive and Sundown Court (4 signs)*”. Van Lieshout said the ordinance language would be cleaned up and returned for a second reading.
- o) Discussion and action regarding correspondence from Eastshore Humane Association – ***Milheiser moved to donate \$50 to Eastshore Humane Association. Barribeau second. Motion carried.***

- p) Discussion and action regarding presentation by Pat Wenek on Sherwood Forest U.K. – Because Mr. Wenek was not present the matter was postponed. Miller reported that Wenek is interested in developing a sister city relationship.
- q) Discussion and action to approve repair to the Recreation Center/Plaza boiler – Diedrick reported that he had a contractor look at the boiler to determine what repairs and maintenance was need. The contractor said that 40% of energy efficiency has been lost. A quote was received from August Winter & Sons for refractory work, cleaning, checking and tuning the burner and controls in the amount of \$1,900. Chem-Tech International quoted \$1,182 to install pump and chemically treat boiler tubes. Lee’s Welding quoted \$762. To furnish and install a back-flow preventor. These repairs were not budgeted. No action.
- r) 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 motion.

12) Presentation of correspondence, resolutions, and related matters

- ◆ Barribeau stated that a lose weight sign is still up on a light pole at the Sherwood Mobil station.
- ◆ Barribeau noted that he looked at the web page on the internet.
- ◆ Laux inquired on correspondence from Myron Luniak regarding the Vandenberg property. Van Lieshout explained that Luniak wanted to make the Village aware that when a sewer extension is put in to service the proposed development of the Fairways at High Cliffs, the extension point should take into account future development of the Vandenberg property as well.
- ◆ Laux noted correspondence to Builder Doug Davis. It was also noted that there is debris and uncut weeds on other Davis home building projects. Discussion ensued as to whether the Village should clean up the properties in question and bill the owner.
- ◆ Thomson inquired if and occupancy permit signed by the building inspector was required before move-ins. Frassetto said that a final inspection is necessary but may not include an occupancy permit. Several trustees noted that they received an occupancy permit from the previous building inspector.
- ◆ Barribeau suggested that the building inspector should be invited to a future meeting so that the trustees can make him aware of their expectations. Included in those expectations that erosion control measures should be adhered to.
- ◆ Dave Erdahl commented that it is generally known among builders that they can get away with a certain amount of construction before the Village will intervene, requiring a building permit.

- ◆ Maymek reported that the Equalization Report has been received showing an equalized value of \$114,863,800, an increase over 2000 of \$17,341,700 or 17.78%. The TID out value is \$74,601,600.
- ◆ Since no wage increases hinge on performance reviews, no closed session was necessary.

13) Adjournment – *Milheiser moved to adjourn at 9:50 p.m. Laux second. Motion carried.*

## Village Board Meeting Minutes September 10, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michele Muchowski  
Carl Thomson

**Others Present**

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Milheiser second. Motion carried.***
- 4) Approval of Minutes – Since minutes of the August 27, 2001 were not available in advance of the meeting, approval was postponed to the next meeting.
- 5) Registered citizen comments on agenda items
- Gary Zahringer, Martenson & Eisele, Engineers for Windswept Shores II Subdivision, re. agenda item 12)c)
  - Warren Schneider, Developer, Windswept Shores II, re. agenda item 12)c)
  - Dave Petrie, Developer, Mustang Acres Subdivision, re. agenda item 12)a)
  - Paul Hermes, Village Building Inspector
  - Tamara Thiel, N6470 Harrison Road, Hilbert, re. agenda item 6)a)3)
- 6) Consent Agenda
- a) Approval of Operators Permit – ***Milheiser moved to separate the items for approval. Muchowski second. Motion carried.***
- i) David J. Petrie – ***Milheiser moved to approve. Thomson second. Motion carried.***
- ii) Thomas P. Leland - ***Milheiser moved to approve. Laux second. Motion carried.***
- iii) Tamara L. Thiel – ***Milheiser moved to deny. Laux second.*** Tamara Thiel presented a letter from her employer urging approval of the operator's license. She then appealed to the Board, saying that her transgressions occurred when she was younger and she has since been rehabilitated by responsibility and after serving a jail term and probation. ***On a roll call Milheiser voted aye. Barribeau, Beach, Laux, Miller, Muchowski, Thomson voted nay. Beach moved to approve the Operator's permit. Miller second. Motion carried with Milheiser voting nay.***

- iv) Lynn Milheiser
- v) Charles E. Milheiser
- vi) Joseph C. Milheiser
- vii) Shellie M. Milheiser
- viii) Jennifer Lynn Milheiser

***Barribeau moved to approve the five remaining operator's permits. Laux second. Motion carried. Milheiser abstained.***

- b) Approval of Combination "Class B" Liquor and Beer License - Lynn Milheiser, Agent – ***Thomson moved to approve the liquor and beer license. Laux second. Motion carried.***

7) Report of the Utility Commission

**1) Action Item**

Recommend approval to drill a test well in the area of High Cliff State Park for approximately \$8,000 – In answer to Miller, Van Lieshout stated that funding of the test well will come from TIF not from the water utility budget. ***Miller moved to approve the Report of the Utility Commission. Laux second. Motion carried.***

8) Report of the Plan Commission

**1) Action Items**

- a) Recommended approval of request by Jeff Stevenson, Lot 47 Cliffwood Estates II subdivision, to reduce privacy berm from width of 30 ft. to 10 ft. – ***Milheiser moved to approve the recommendation. Thomson second. Motion carried with Beach voting nay.***

- b) Declined recommendation by Code Administrator to amend Ordinance 55 regulating driveways and watercourses to move responsibility for ditch maintenance from property owner to Village. – ***Milheiser moved to approve the recommendation to decline. Laux second. Motion carried.***

- c) Recommended drafting amendment to Ordinance 38 Subdivision Ordinance requiring developers to install curb, gutter, and storm sewers in all new subdivisions. – ***Milheiser moved to approve the recommendation. Beach second.*** Discussion: Thomson inquired as to the advantages of requiring curb, gutter, and storm sewers in new subdivisions. Miller reported the amendment would eliminate the drainage problems that exist now. Barribeau stated that subdivisions already in planning should be exempt. ***Motion carried.***

- d) Recommended drafting an amendment to Ordinance 38 Subdivision requiring parkland development fees of future subdividers. – ***Beach moved to approve the recommendation. Laux second. Motion carried.***

e) Referred to the Village Board a request from Dan and Amy Sprangers to amend the Assessment Policy exempting lots precluded from access. – **Miller moved to deny the request. Thomson second. Motion carried.**

**For Information Only**

a) Heard Engineer's report on ditch/storm water drainage difficulties in Blackcherry Court, Bridle Road, Palisades Trail, Forest Lane. – The engineer will provide more information and remedial options in the future.

9) Report of Village Officers

a) President

b) Clerk/Treasurer

i) Disbursement Reports and Financial Reports – Reports were accepted without questions or comments.

ii) Approval of Trick or Treat date and time – **Milheiser moved to Saturday, October 27, 2001 from 1:00 – 3:00 as time for Trick or Treat activities. Thomson second. Motion carried.**

iii) Discussion and action to approve a fall cleanup – **Milheiser moved to approve scheduling a fall clean-up on Wednesday, October 17, 2001. Muchowski second. Motion carried. Miller and Beach were opposed.**

10) Village Attorney

a) Legal Representation – Attorney Frassetto announced that effective this date he has accepted a position with Menn, Teetaert, and Beisenstein law firm, a 15 lawyer firm that has established an office in the heart of the valley in Little Chute. He stated that he is interested in continuing to represent the Village in it's legal affairs. He asserted that if the Board is so inclined it could take action to appoint the new firm with himself as the main representative. Steve Dosier responded that his firm, McCarty, Curry, Wydeven, Peeters & Haak, would also like to continue representing the Village and assured that any time necessary to come up to speed would not be billed. He concurred with Frassetto that the Board appoints the law firm not an individual attorney. Milheiser asked if it would be possible to continue to retain Frassetto until the Village approaches it's organizational meeting in the spring, going out for quotations for services at that time. Dosier cautioned that when obtaining bids the Board should take care that only firms with experienced municipal attorneys be considered. Miller requested that the matter be further discussed in closed session.

▪ Paul Hermes, Village Building Inspector – Referring to a matter that came before the Board at the meeting of August 27, Hermes clarified that he did not give permission to Builder/Developer Tracy Royer to start a home building on Windsor Court without issuance of a building permit. His statement was emphatically contrary to the Royer's claim. Attorney Frassetto reminded the Board that their prior action to accept Cliffwood II subdivision specifically noted that approval would not waive Village rights in regard to the permit violation. He

advised that, although up to a \$500 per day fine while in violation, he believes the chances are remote that a judge would declare a judgement in that amount. Barribeau asked if we can suspend issuing building permits until fines are paid. Frassetto advised that the subdivision has been accepted and at that point it would not be in the best interests of to withhold permits. ***Laux moved to seek the upper limit of \$16,500 in forfeiture. Milheiser second. Motion carried with Beach voting nay.***

11) Village Engineer

- a) Report on Sherwood Lions Football Field Project – Referring to an engineer’s memorandum in the meeting packet, Van Lieshout reported, saying that the football field will impact the softball diamond. No grading and drainage plan has been provided of the proposed football field. The engineer does not have enough topographic information to make an informed judgement as to the impact on the outfield area of the softball diamond.
- b) Report on price quote for prairie grass - Referring to an engineer’s memorandum in the meeting packet, Van Lieshout stated that a bid was obtained at the request of Trustee Milheiser from Prairie Nursery for prairie grass and wet mesic prairie grass restoration of the detention ponds after construction. Since the bid was higher than that of Reliance, Inc. who has already been awarded the construction contract, no further action was recommended. Van Lieshout reported that the Village would likely be eligible for a Calumet County grant for seeding.
- c) Discussion and action regarding a request by Scott Sheppard for ditch enclosure on Robinhood Dr. – Engineer Rosenbeck recommended, in correspondence included in the meeting packet, that the request be denied, stating that the issue should be reviewed as a neighborhood issue not as an individual issue and should be addressed as such. ***Miller moved to disallow the request by Scott Sheppard for ditch enclosure. Milheiser second. Motion carried.***

12) Village Coordinator

- a) Final acceptance of the improvements for Mustang Acres Subdivision – Referring to punch list of items Van Lieshout reported that trees between the trail and pond need to be removed for ease of maintenance [item 2]. Trustees concurred with Developer Petrie that the trees do not represent a significant obstruction to maintenance. Van Lieshout continued that removal of a building on Outlot 1 [item 3] to a new site needs to be completed after coming before the Plan Commission next month for a grant of conditional use. Presently the lot line and zoning line runs through the middle of the shed. Permit of conditional use is necessary because the new location of the shed is in a zoning district that disallows an out-building of that size. Petrie stated that in a pre-construction meeting with then Code Administrator Barbara Grant and Attorney Steve Frassetto it was agreed that moving the building could wait until Phase II of the project was undertaken. In addition, the lawn area between the pond and trail needs to be re-seeded. Petrie reported that restoration and re-seeding of the area wouldn’t be effective until



flooding of the area is corrected following Village completion of the “Miller” Detention Pond project. **Miller moved to finally approve and accept the subdivision. Thomson second. Motion carried with Beach voting nay.**

- b) Final acceptance of Lakeshore Estates II and III – Developers were not present.
- c) Final acceptance of Windswept Shores II – Van Lieshout reported his inspection of the development this date. In his opinion all punch list items have been completed other than ditch restoration [item 3] and verification that the pond outlets are draining properly [item 8]. Developer Schneider requested approval contingent on finishing minor problems. **Beach moved to authorize Van Lieshout to issue building permits contingent on a statement from the Village engineers that all specifications have been met that are required to approve and accept the subdivision, or in the event the specifications are not met, that a performance bond to be determined by the Village engineers and an agreement will be posted by the developer. Barribeau second. Motion carried.**
- d) Discussion regarding playing fields at Wannick Park – Dave Schmalz attempted to pave the Fairway Estates trail that abuts the park, Van Lieshout reported, but the paving equipment got stuck because there is no shoulder. Van Lieshout said the Village needs to construct a gravel shoulder and ditch along the trail to prevent further washout. He estimated the cost at \$1,500 that will be funded from the trail development budget. Brad Warner, park project engineer, provided correspondence regarding continuing contract obligations for establishment of the playing fields. He also provided a number of suggestions for a long-term maintenance program necessary to fully establish and retain a high quality playing surface.
- e) Discussion regarding correspondence from Dave Goeser regarding the Legion Park Baseball Diamond – Mr. Goeser’s letter indicated improvements necessary to rectify drainage problems. An appropriate dirt mixture should be added to the infield. The field requires frequent and consistent maintenance. The Board discussed a prior offer by Dave Van Elzen of Sherwood Lions Football program to refurbish the softball play fields. However, the Board has not taken action to accept the offer. Van Lieshout pointed out that, per the engineer memo reported in 11)a) above, insufficient information was available to give an informed opinion on the needed field upgrades. Miller offered to discuss the matter with Van Elzen in an attempt to get the softball field project restarted.
- f) Discussion and action regarding invoice to John Goodman for engineering services – Van Lieshout reported that Goodman was billed for reimbursement of engineering expenses incurred by the Village when he brought in a CSM for splitting a plat as into a minor subdivision. Goodman has stated that he does not intend to pay for the work, which he did not authorize. Van Lieshout reported that standing Village policies stipulate that repayment of expenses is required for services provided to the Village regarding proposed developments. Barribeau

suggested that the coordinator respond to Goodman advising him of the policy and reason for the billing.

- g) Discussion and action regarding refuse request for proposal – ***Milheiser moved to mail out the RFP to which a quotation for bulk pick-ups should be added. Request for quotes should include variable cart sizes. Beach second. Motion carried.***
- h) Discussion and action regarding the emergency sign ordinance – Van Lieshout reported that written and verbal instructions are being distributed with the emergency signs. Miller said that many signs are being mounted incorrectly. Milheiser stated that the ordinance should be brought back for clarification. She received two complaints from emergency personnel that the signs are confusing. Milheiser and Miller agreed that se will have to send Village personnel out to enforce proper mounting of the signs.
- i) Discussion and action regarding permanent limited easement on Lot 1 Cliffwood Estates – The easement agreement was reviewed. ***Beach moved to approve the payment of \$2,676 to Charles, Jr. and Wendy M. Gehl for the permanent limited easement. Milheiser second. Motion carried.***
- j) Discussion and possible action regarding Schneider CSMs 2046 and 2101 – The issue was tabled pending legal opinion. Following arrival of Attorney Frassetto ***Milheiser moved to remove the issue from the table. Barribeau second. Motion carried.*** Frassetto stated his opinion that, although approval of CSM 2101 was not cleanly reported in the minutes, the record when taken as a whole indicated that the document was legal. Dosier stated that there appears to be a defect in the approval and that it could become problematic in the future. It would be prudent to cure the defect as soon as possible, he said. ***Miller moved to put the matter on the next possible meeting agenda for re-approval. Thomson second. Motion carried. Milheiser opposed.***
- k) Discussion and action regarding Sherwood Lions proposal for new entrance signs to the Village – Thomson will obtain more information from the Lions Club regarding the monetary level at which the club wants involvement.
- l) Second reading and action regarding an amendmendment to Ordinance No. 41 establishing a village speed limit of 25 mph unless designated otherwise – ***Milheiser moved to approve. Miller second. Motion carried.***
- m) Second reading and action regarding an amendment to Ordinance No. 49-00E establishing stop signs and omitting duplications – ***Thomson moved to approve. Milheiser second. Motion carried.***
- n) 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.

13) Presentation of correspondence, resolutions, and related matters

- Barribeau noted that illegal signs have been removed throughout the Village.
- Diedrick asked for decisive action on the issue of milling the asphalt on State Park Road in the Lakeshore Estates West Plat. Since the issue was not noticed and the expenditure was not budgeted, Dosier stated that a special meeting should be scheduled to consider and act on the matter. A meeting was scheduled for Wednesday, September 12, 2001 at 8:00 a.m.
- ***Barribeau made a motion to move into closed session per State Statute 19.85(1)(c) as stated above at 9:30 p.m. Milheiser second. Motion carried.***
- ***Barribeau moved to return to open session. Milheiser second. Motion carried.***
- ***Miller moved to approve a merit increase of \$.15 per hour to the end of this year for the Clerk/Treasurer, the Public Works Supervisor and the Public Works Laborer. Milheiser second. Motion carried.***
- Miller noted that there would be no change in the appointment of a legal firm at this time.

14) Adjournment – ***Miller moved to adjourn. Barribeau second. Motion carried.***

Minutes respectfully submitted,

Ellen Maxymek,  
Village Clerk

## Village Board Meeting Minutes

September 24, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Dave Miller  
Michele Muchowski  
Carl Thomson

**Absent**

Lynn Milheiser

**Others Present**

Christine M. Wanless, Attorney  
Joshua Van Lieshout, Coordinator  
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance  
3) Approval of the Agenda – *Barribeau moved to approve. Thomson second. Motion carried.*

- 4) Approval of Minutes:

*a) Barribeau moved to approve the minutes of the August 27, 2001 meeting. Miller second. Motion carried.*

*b) Barribeau moved to approve the minutes of the September 10, 2001 meeting. Thomson second. Beach asked that a correction be made to page 5 item 12) f) to read Van Lieshout reported...Correction noted, motion carried.*

*c) Barribeau moved to approve the minutes of the September 12, 2001 meeting. Laux second. Motion carried with Beach and Muchowski abstaining.*

- 5) Registered citizen comments on agenda items

- Barb and Tom Jack, W4843 Escarpment Trail, regarding agenda item 11) i). Jack reported that more emergency numbering signs were being mounted improperly in the Village. Emergency personnel continue to have difficulty locating addresses. What, he asked, has been done to correct the situation. Van Lieshout responded that written and verbal instructions are consistently being given as each sign is distributed. He said that the time period to respond regarding the type of sign desired has now past and the horizontal signs can now be ordered. He said it would likely take 6-8 weeks for the horizontal signs to be manufactured. Miller stated that it appears the only expeditious way to handle the problems is to have a group of volunteers contact individual property owners, instructing them in the proper mounting methods or installing them correctly. Miller counted himself among the volunteers.

- 6) Consent Agenda

- a) Approval of Operator's Permit

- i) Diane Edwards – Beach asked if there is any way to know the reasons for dismissal of a charge which appeared on the Wisconsin Criminal Records check. Attorney Wanless stated that it would be speculation only to read into the dismissal notation. Laux noted that the arrest took place in 1985 and stated that the Board did not commonly use information of that age as reason to deny permit. Following discussion*

***Laux moved to approve the operators permit. Miller second. Motion carried with Muchowski and Thomson voting nay.***

- 7) Report of the Utility Commission – Van Lieshout reported that a complaint of a water quality problem was received. A customer reported a small organism in the water. It is believed that during a recent plumbing upgrade by the customer contaminated pipes may have been installed. Water samples have been taken at several points in the vicinity of the complaint and tests have come back negative except the sample taken from the point of the complaint. Additional chlorine is being added to the water treatment for additional safety. The DNR was immediately informed and has told the Utility Technician that it is taking all possible precautions to assure water quality.

**Action Items**

- a) Accepted the improvements of Windswept Shores II – ***Barribeau moved to accept the utility improvements of Windswept Shores II. Laux second. Motion carried.***

**For Information Only**

- b) Directed Coordinator to gather information on the Robin Hood Golf Course private well permit in regards to new ordinance.
- c) Directed Utility Technician to check on well casing at High Cliff entrance.
- d) Directed Utility Technician and Coordinator to gather information from Village Attorney and Village Engineer in regards to a well log and the sampling of water quality from well at High Cliff because of proximity to test well site.
- e) Directed Coordinator to check with Village Attorney regarding PSC report Section 12 and how to manage disconnection.
- f) Grenzer sewer back-up claim to be forwarded to Wausau Insurance for further investigation.
- f) Approved 1.5% merit increase for Utility Technician retroactive to 7/1/2001
- g) Denied the action to forgive the water and sewer usage of Jeff Schmid.

***Barribeau moved to accept the Report of the Utility Commission in its entirety. Laux second. Motion carried.***

- 8) Report of Village Officers

a) President

- i) Discussion and action regarding the refurbishment of the baseball field by the Sherwood Lions Football club – Van Lieshout reported, Dave Van Elzen stated the his group will make improvements to the softball field without contingencies. Fill, probably from the Nuthatch Pond project, will be trucked and added to the diamond area by Van Elzen's group. Miller and Thomson concurred that Van Elzen has

fulfilled his promises in connection with the football practice field project and said that the Board should not get in the way of his including the softball diamond in his project.

b) Clerk/Treasurer

- i) Disbursement Reports and Financial Reports – *Miller moved to approve the financial reports. Barribeau second. Motion carried.*

9) Village Attorney – Attorney Wanless reported that as of August 28 Ron Hawkinson has paid in full on the Calumet County tax lien foreclosure. Maxymek reported that outstanding taxes and prior year special assessments on the property have been received from the county. Unpaid reimbursements for clean up of the property, approximately \$5,000, will be put on the 2001 tax roll as a special charge.

10) Village Engineer – No Report. Van Lieshout suggested that an informational public hearing be held at an upcoming meeting regarding drainage problems. Rosenbeck has performed a study of problem areas and will offer solutions coming out of the study.

11) Village Coordinator

- a) Discussion and action to approve Village Insurance Plan – Quotes have been received from Wausau and Kempes Insurance Companies. The League of Wisconsin Municipalities has switched to Kempes as group carrier. The Wausau quote totals approximately \$24,500 including workers compensation coverage as compared to approximately \$21,058 quoted by Kempes. Following discussion staff was requested to bring back a comparison of the coverage limits for review.
- b) Discussion and action to approve Village Health insurance plan – Van Lieshout reported that Network Health Plan through the Heart of the Valley Chamber of Commerce Association now carries the HMO 1 coverage. *Barribeau moved to approve continuation of the current health insurance plan. Miller second. Motion carried.* The staff was requested to obtain alternative quotes for comparative purposes.
- c) Discussion and action regarding Sherwood Lions proposal for entrance signs – Thomson reported that the Sherwood Lions are willing to spend up to approximately \$2,000. Thomson is in the process of gathering ideas and cost information on signs. Beach asked if TIF funds can be used to supplement cost of sign. Van Lieshout was asked to research the matter.
- d) Discussion and action to approve heating and cooling preventative maintenance contract with U.S. Plumbing and Heating – Staff asked to obtain additional cost quotations.
- e) Discussion and action to approve hiring August Winter and Sons, Inc. to perform repair to the refractory and other work as outlined in their proposal – Van Lieshout reported that in addition to the \$1,900 quoted offered by the contractor, additional electrical work is needed. He suggested that the Board might want to defer the work until next year. Van Lieshout will get additional cost information and return the matter for possible action.

- f) Discussion and action to approve hiring Lee's Welding, Inc. to perform the installation of a backflow preventer as outlined in their proposal – ***Barribeau moved to accept Lee's Welding quote of \$762 for installation of back-flow preventer. Beach second. Motion carried.***
  - g) Discussion and action to approve the purchase and installation of a chemical feed system and chemical for use on the recreation center boiler – This work will have to be coordinated with work discussed in item e) above.
  - h) Final acceptance of Lakeshore Estates II and III – Van Lieshout reported the developer still needs to install a storm sewer out-fall before the subdivisions will be acceptable. ***Beach moved to authorize Van Lieshout to issue building permits contingent on a statement from the Village engineers that all specifications required to approve and accept the subdivision have been met. In the event the specifications are not met, a performance bond, to be determined by the Village engineers, will be posted by the developer. Miller second. Motion carried.***
  - i) Discussion and action regarding the emergency sign ordinance – Recorded above.
  - j) Discussion and action to honor the claim of John Price for a sewer back up – Van Lieshout reported that Wausau Insurance has denied payment of this claim. He subsequently met with Northeast Asphalt, the paving contractor who allegedly failed to reset a manhole casting near the site of the back-up. Northeast refuses to pay on the claim as well, stating that the Village can not verify that the damage was caused by performance failure on the part of the contractor in 1998 when the road contract was done. It was the stance of Northeast that the Village should have documented the work by before and after inspections of the site, and if the work was insufficient called the contractor back within a reasonable time. Miller opined that the damage was not the fault of the property owner at that the Village should assume the liability. Attorney Wanless stated that it is unclear as to who is liable for the damage. Therefore the Board needs to make a policy decision as to whether it wants to become an insurer. The attorney cautioned regarding taking this action. ***Muchowski moved to honor the Price claim. Miller second.*** Laux asked for information about the result of a sewer back-up claim in 1996-1998. ***Muchowski withdrew her motion. Miller moved to table the discussion until more information is available. Thomson second. Motion carried.***
  - k) Discussion and action to amend the special assessment policy – Since the requesting property owner was not present no discussion or action took place.
- 12) Presentation of correspondence, resolutions, and related matters
- Barribeau reported that State Park Road is deteriorating and should have holes filled with gravel. Van Lieshout stated the road surface will be pulverized at the beginning of October but holes will be filled before then.

- Barribeau inquired about the status of Progressive Homes Builders building permit violation. Van Lieshout responded that the Village Attorney advises taking matter to municipal court. The attorney and coordinator will confer as to strategy.
- Referring to Kate Zietlow correspondence, Miller said that signage should be installed at road crossings for the protection of golfers and pedestrians. Van Lieshout was instructed to purchase and install signs at golf course and trail crossings, billing HCGC & SFGC for reimbursement. The Coordinator was asked to return to the Board with cost and implementation information.
- Responding to Beach's inquiry about progress on refurbishing the volleyball court, Van Lieshout reported the project is on the "to do" list as time permits.
- Regarding completion of the construction of the Wannick Park soccer fields, Van Lieshout reported that rain has again delayed contractors. Barribeau reported that young people are already practicing on the fields.
- Van Lieshout reported that the Fairway Estates trail construction has been delayed. Developer Schmalz may have to have an extension of the October 1 deadline date to finish the asphalt surface.
- Beach inquired regarding repairs to water break road cuts. Van Lieshout reported the repairs are scheduled in the near future except for Sundown Court, which will be done next year.
- Miller inquired regarding progress of Pigeon Road reconstruction. Van Lieshout stated the contractor will not meet the October 1 deadline. Discussion to address remedial action will be agendized for the next meeting.

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

Minutes respectfully submitted,

Ellen Maxymek  
Village Clerk



## Village Board Meeting Minutes October 8, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michel Muchowski  
Carl Thomson

**Others Present**

Christine Wanless, Attorney  
Josh Van Lieshout, Coordinator  
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*
- 4) Approval of Minutes: – *Beach moved to approve the minutes of September 17, 2001 Barribeau second. Motion carried. Barribeau moved to approve the minutes of September 24, 2001. Beach second. Motion carried. Milheiser abstained.*
- 5) Registered citizen comments on agenda items
- Steve and Holly Clothier, N6037 Timberline Drive, re. agenda item 7) 1)b). Clothier asked that his application for a zoning map change be approved, stating his intention to upgrade vacant downtown property as a seasonally operated ice cream shop.
  - Robert Wittmann, W5146 Natures Way Drive, re. agenda item 7) 1)c).
  - David Van Elzen, Sherwood Lions Football Program, re. agenda item 10)a). Van Elzen reported on the progress of the practice field renovations and stated that installation of new pole lighting on St. John-Sacred Heart property was delayed by technical difficulties. Electric power to the pavilion and rodeo ground structure was temporarily shut off as a result. Van Elzen requested that he be allowed to moved spoils of the Nuthatch Pond project as fill for the softball diamond at Legion Park. His group will provide the labor to move and grade the fill but he asked that the Village pay for associated trucking costs. Consensus approval was given if the costs are absorbed by the TIF funded pond project.
- 6) Consent Agenda
- a) Approval of Operators Permit
    - i) Ricky C. Salisbury – *Laux moved to approve. Beach second. Motion carried. Milheiser nay.*
- 7) Report of the Plan Commission

1) **Action Items**

- a) Plan Commission recommended approval of an amendment to design standards of Subdivision Ordinance #38, to require curb, gutter and storm sewer in all new developments except when roadways and drainage infrastructure constructed in a previous addition to a development makes it impossible or impractical to change the infrastructure – Action will follow a properly noticed public hearing on October 22, 2001.
- b) Plan Commission recommended amending the Zoning Map, Ordinance 65, to rezone part of Lots 10 and 11, Block 3, part of the SW ¼ of the SW ¼, section 29, Town 20 North, Range 19 East, Village of Sherwood, containing 2,232 sq. ft. from R-1 single family residential to C-1 central business district for the purpose of establishing a seasonal ice cream shop – Clothier asked that his application for a zoning map change be approved, stating his intention to upgrade the vacant downtown property. Action will follow a properly noticed public hearing on October 22, 2001.
- c) Plan Commission recommended approval of the Preliminary Plat of Lakeshore Estates IV contingent on the inclusion of all current provisions of the Subdivision Ordinance and contingent on completion of the punch list items required for acceptance of Lakeshore Estates II and III – Wittman was present in support of Preliminary Plat approval of Lakeshore Estates IV and appealing for variance from the ordinance requirement for street lighting. He stated that prior additions were approved before the ordinance was amended and that this one street addition would appear odd if surrounded by others without lights. **Thomson moved to approve the Preliminary Plat of Lakeshore Estates IV and to grant variance from the street lighting provision of the Subdivision Ordinance. Barribeau second.** Responding to Beach, Van Lieshout stated that possible future requests by property owners for street lighting can be addressed by amending policy to allow street lights paid by special assessment. The coordinator was directed to return the revised special assessment policy for approval. **Motion carried.**
- d) Plan Commission recommended approval of CSM 2046 and 2101 – **Milheiser moved to approve. Miller second. Motion carried. Beach nay.**

2) **For Information Only**

- a) Plan Commission approved a grant of conditional use requested by David and Joan Petrie for a parcel located in the NW ¼ and SW ¼ of the NW ¼ of Section 30, Town 20 North, Range 19 East, containing approximately 12 acres for the purpose of constructing an accessory building in excess of 500 sq. ft. on a parcel of land zoned IR-2.

8) **Report of Village Officers**

- a) **President**

- i) Nomination/Election to Utility Commission – ***Miller moved to nominate Dick Stewart to a five-year term to the Utility Commission beginning October 2001. Thomson second. Motion carried.***
- b) Clerk/Treasurer
  - i) Disbursement Reports and Financial Reports – The disbursement report was received as presented.
- 9) Village Attorney – None.
- 10) Village Engineer
  - a) Update regarding Miller Pond and Nuthatch Pond Projects – Rosenbeck reported that pond construction projects are on target for completion this fall with seeding and landscaping to be finished in the spring.
  - b) Update regarding Drainage Study – According to Rosenbeck an informational hearing regarding the study is scheduled on October 22, 2001. He distributed the results of the study.
- 11) Village Coordinator
  - a) Discussion and action to approve Village Insurance Plan – Following review of coverage limits and cost quotations, ***Barribeau moved to approve accepting casualty and worker’s compensation coverage through the League of Wisconsin Municipality Insurance Plan and Kempes Insurance. Laux second. Motion carried.***
  - b) Discussion and action to approve heating and cooling preventative maintenance contract with U.S. Plumbing and Heating – Coordinator directed to obtain additional quotes, in particular from August Winter and Sons. Directed also to confirm that U.S. Plumbing will continue to provide heating and air conditioning services.
  - c) Discussion and action to approve hiring August Winter and Sons, Inc. to perform repair to the refractory and other work as outlined in their proposal – ***Milheiser moved to accept a quotation from August Winter and Sons, Inc. for \$1,900 in refractory work and \$520 to install chemical treatment equipment on the rec center boiler heating system. Included in the motion, to increase the contracted services budget in a similar amount. Laux second. Motion carried.***
  - d) Discussion and action to approve the purchase and installation of a chemical feed system and chemical for use on the recreation center boiler – ***Milheiser moved to accept a quotation from Chem-Tech for \$1,182 for purchase and installation of a chemical feed system and chemical treatment of the recreation center boiler system. Included in the motion, an increase in the budget for contracted services in a similar amount. Miller second. Motion carried.***

- e) Discussion and action regarding the emergency sign ordinance – Van Lieshout reported that the horizontal signs have been ordered. Delivery date is unsure.
  - f) Discussion and action regarding the purchase of street trees for 2002 – Van Lieshout reported that in order to assure a supply of acceptable trees it will be necessary to guarantee purchase this fall. ***Milheiser moved to approve purchase of trees in the 2002 budget cycle providing that the trees are guaranteed. Laux second. Motion carried.***
  - g) 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.
  - h) 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.
- 12) Presentation of correspondence, resolutions, and related matters
- Barribeau reported that gravel fill is needed at the shoulder on State Park Road at the entrance to the park. He also confirmed that J & E Construction is responsible to repair the road cut on State Park Road, which was opened to construct the Pigeon Road storm sewer.
  - Barribeau noted that illegal signs are reappearing in the area of the gas station and the Castle Drive mini-mall.
  - In response to Barribeau, Van Lieshout reported that zoning violations by Progressive Homes would be prosecuted in municipal court at Brillion, hopefully within the next two weeks.
  - Van Lieshout reported that stop signs to control pedestrian and motorized cart traffic at golf course and trail crossings are priced from \$4 to \$12 apiece. Beach suggested that he talk to the owners of the two courses, giving them the option of installing the signs themselves.
  - Responding to Beach, Van Lieshout reported the volleyball court has been filled with sand and is being groomed.
  - Van Lieshout reported that water break cuts have not been repaired as yet.
  - Milheiser noted that traffic control is not being observed at Hwy. 114 and Castle Drive and at Knight Street. The coordinator was asked to contact the County Sheriff to monitor for violations.
- ***Barribeau made a motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(g) to confer 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. Thomson second. Motion Carried.*

- *Beach moved to RETURN TO OPEN SESSION at 8:03 p.m. to take further action or to adjourn the meeting. Barribeau second. Motion carried. Miller moved to accept the engineer's proposal to require J & E Construction to complete construction of the Pigeon Road trail and to complete the contracted reconstruction of the road through installation of the binder course of road paving, further requiring completion of the final course of paving in the spring of 2002 providing that any completion requirement of the state grant is not jeopardized. Thomson second. Motion carried.*
- *Laux made a motion to MOVE INTO CLOSED SESSION at 8:10 p.m. 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. Beach second. Motion carried.*
- *Thomson moved to RETURN TO OPEN SESSION at 8:30 p.m. to take further action or to adjourn the meeting. Milheiser second. Motion carried. Beach moved to authorize the Coordinator to negotiate with Jim Ecker for the purchase of property to construct a storm water retention pond. Barribeau second. Motion carried.*

13) Adjournment – *Milheiser moved to adjourn at 8:45 p.m. Barribeau second. Motion carried.*

Minutes respectfully submitted for approval,

Ellen Maxymek  
Village Clerk

## Village Board Meeting Minutes October 22, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Dave Miller  
Michel Muchowski

**Absent**

Lynn Milheiser  
Carl Thomson

**Others Present**

Steve Dozer, Attorney  
Gary Rosenbeck, Engineer  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works  
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Beach second. Motion carried.*
- 4) Approval of Minutes: October 8, 2001 – *Beach moved to approve the agenda. Barribeau second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Steve and Holly Clothier, N6037 Timberline Drive, re. agenda item 6) and 14)a). Clothier stated his intention to establish a seasonal ice cream shop in a vacant building in the downtown area which is currently zoned residential, making improvements to the property if the Board takes affirmative action on the rezoning request which comes before it.
  - Dean Vander Heiden, owner of Lot 19, Lower Cliff Road, re. agenda item 14)b). Vander Heiden requested waiver of a bill for mowing the lot, stating that he did not receive notice, and was unaware that he is required to cut tall weeds and grasses.
- 6) Public Hearing: To rezone part of lots 10 and 11 Block 3 Village of Sherwood, part of the SW1/4 of the SW1/4 Section 29, Town 20 North, Range 19 East Village of Sherwood containing 2232 sq. ft. from R1 single family to C1 central business for the purpose of establishing a seasonal ice cream shop – Following 3 calls for public comment and hearing none the public hearing was closed.
- 7) Public Hearing: To Amend Ordinance Number 38 Regulating Subdivisions. Particularly sections 5 and 6 for standards of street design and storm sewer improvements – Following 3 calls for public comment and hearing none the public hearing was closed.
- 8) Consent Agenda

- a) Approval of Operators Permit – ***Barribeau moved to approve the following applicants. Laux second. Motion carried.***
  - i) Becky L. Van Asten
  - ii) Jean M. Horn
  - iii) Julie M. Patterson
  - iv) Patrick D. Deschaine
  - v) Eric M. Derks
  
- 9) Report of the Utility Commission
  - 1) For Information Only
 

Directed Coordinator to gather information regarding requirement of licensed plumbing inspector vs. licensed water operator for clarification/amendment of Well Abandonment Ordinance – Van Lieshout reported that the ordinance requires a licensed plumbing inspection of private wells to avoid cross connection. These inspections are costly for the well owner. The Utility Commission will consider whether a licensed operator is sufficiently trained to inspect for cross connection. No action required. In response to a question from Laux, Van Lieshout reported that the utility gets periodic complaints from residents about excessive water pressure.
  
- 10) Report of Village Officers
  - a) President – No report.
  
  - b) Clerk/Treasurer
    - i) Disbursement Reports and Financial Reports – The reports were accepted as distributed.
  
    - ii) Approval of Over Budget Invoice – ***Barribeau moved to approve the expenditure of \$1,050. for payment of Tom Van Handel Corp which will exceed the total amount budgeted for Parks expenditures by \$600. Miller second. Motion carried.***
  
- 11) Village Attorney
  - a) Final Assessment Resolution for 2001 Street Paving – ***Beach moved to approve a final resolution authorizing public improvements and levying of special assessments against benefited property in the Village of Sherwood, year 2001 paving projects; assessments due within 30 days; paid in cash or in 5 annual installments bearing interest at the rate of 6.04% per year if not paid by the due date; bearing additional interest on installments not paid when due of 1% per year over the above rate. Laux second. Motion carried.***
  
  - b) Final Assessment Resolution for 2001 Pigeon Road Curb/Gutter and Storm sewer - ***Beach moved to approve a final resolution authorizing public improvements and levying of special assessments against benefited property in the Village of Sherwood, year 2001 Pigeon Road reconstruction project; assessments due within 30 days; paid in cash or in 5 annual installments bearing interest at the***

*rate of 6.04% per year if not paid by the due date; bearing additional interest on installments not paid when due of 1% per year over the above rate.* Rosenbeck stated that the final assessment rate is not calculated as yet but is not expected to be significantly higher than preliminarily noticed at public hearing. **Beach included in his motion that an increase in the assessment rate will be brought before the Board for reconsideration. Laux second. Motion carried.**

12) Village Engineer

a) Approval of Change Order Number 1 J&E Construction - Pigeon Road Reconstruction Contract – Rosenbeck reported confirmation that a delay in completion of the contract will not violate the terms of the state grant. **Barribeau moved to approve Change Order no. 1 to J & E Construction Company contract S01-98212.10, Pigeon Road Reconstruction, changing Phase I completion date to November 21, 2001 and Phase II completion date to June 28, 2002. Laux second. Motion carried.**

b) Approval of Change Order Numbers 2 & 3 Badger Highways - Street Paving Contract – Rosenbeck indicated the Utility Technician requested replacement of 4 manhole frames and lids in the vicinity of Margaret, Meehl, Leslie Streets. **Barribeau moved to approve a change to Badger Highways Company, Inc. contract no. S017-91294, 2001 Asphalt Paving, adding replacement of 4 @ \$630 manhole frame and lid (NF-1550) totaling \$2,520. Laux second. Motion carried.**

**Barribeau moved to approve a change to Badger Highways Company, Inc. contract no. S017-91294, 2001 Asphalt Paving, adding/deducting for final measured quantities totaling \$1,191.21 deducted from contract. Laux second. Motion carried.**

c) Approval of Final Payment Estimate for Badger Highways – **Laux moved to approve a certificate for payment of Badger Highways Company, Inc. in the amount of \$80,394.72 which includes a retainage of \$2,000. Barribeau second. Motion carried.**

13) Public Works Supervisor

a) Discussion regarding logo for Municipal Vehicles – Diedrick sought approval to have painted a logo on municipal vehicles at a cost of \$30 per door, saying that Michels Quarry required that the name of the municipality be affixed to vehicles in order to gain admittance to quarry property. Miller stated that such logo should be coordinated with entrance signs that are being considered for a donation by the Lions Club. Dozer indicated that a logo may need to be copyrighted. No action was taken.

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.

14) Village Coordinator

- a) Discussion and action to approve rezoning part of lots 10 and 11 Block 3 Village of Sherwood, part of the SW1/4 of the SW1/4 Section 29, Town 20 North, Range 19 East, Village of Sherwood, containing 2232 sq. ft from R1 single family to C1 central business for the purpose of establishing a seasonal ice cream shop. ***Laux moved to approve rezoning of the described property. Barribeau second. Motion carried.***
- b) Discussion and action regarding requests for forgiveness of bills for mowing weeds at N7839 Lakeshore Lane and Lot 19 Lower Cliff Road – ***Miller moved to forgive the abatement costs of \$81.40 billed to Stephen Murrell, owner of Lot 27, N7839 Lakeshore Lane, Lakeshore Estates II. Barribeau second. Motion carried. Miller moved to waive the abatement costs of \$86.90 billed to Dean Vander Heiden, owner of Lot 19, Lower Cliff Road. Laux second. Motion carried.***
- c) Discussion and action regarding a ditch enclosure between lots 41 and 40 Cliffwood Estates II – ***Miller moved to approve the ditch enclosure. Laux second.*** Beach initiated discussion regarding responsibility in the event of ditch failure. ***Miller included in his motion that approval is contingent on the signing and recording of a restrictive covenant obligating the property owner to maintain the ditch enclosure. Motion carried.***
- d) Discussion and action regarding driveway and roadway culvert in Cliffwood Estates I – Van Lieshout stated that culverts affecting Lots 23, 24, 25 in Cliffwood Estates I and under Windsor Court are set to an incorrect grade and must be reset to alleviate improper drainage. Van Lieshout will notify the property owners of the necessary remediation, which will necessitate costly driveway cuts and repair. Although property owner complaints have raised these concerns, it is unlikely that they will voluntarily comply with remediation. Therefore, the Village will likely need to make the repairs and special charge to recover the costs.

Rosenbeck noted numerous failures on the part of builders to properly set culverts to drainage plan grades. Barribeau stated the Village may have been negligent in inspecting the culverts. Reading from the driveway/culvert ordinance Van Lieshout noted that the Village may set refundable deposits fees to assure that culvert requirements are satisfactorily met. Beach requested that the coordinator develop a compliance plan and fee schedule and return the matter to the Board for future action.

- e) Discussion regarding the use of the gym for a Girl Scout “lock-in” – On the advice of the Attorney, the Clerk was instructed to contact the Village’s insurance carrier regarding liability.
  
- f) Discussion and action to amend Ordinance Number 38 Sections 5 and 6 Regulating Subdivisions and standards for street design and storm sewer improvements
  - Van Lieshout reported that due to a flaw in numbering, Section 2 of Ordinance 38 should be renumbered as Section 5 and 6.
  - Section 5)a)ii) Streets (add) layout and design .
  - 5)a)v) (add) pavement widths; Minimum ROW column, Minor street minimum (increase) from ~~60~~ to 66 ft.; RURAL shoulder column (delete) in entirety; URBAN pavement column; collector streets (change) from ~~30~~ to 36 ft.; minor street (change) from 24 to 32 ft.; alley (change) from ~~20~~ to 24 ft.
  - 5)a)vi) Base of (added) minor street must consist of a minimum of 12-inches of crushed rock....(add) Collector street designs must be approved by the Village.
  - 5)a)ix) (add) All streets shall be constructed to an urban section with a rolled edge type curb and gutter provided. Street widths from back of curb dimensions shall be as required in section 5)a)v).

Discussion took place regarding the merits of rolled edge curb vs. barrier type curb. Beach suggested that a deposit be required when building permits are issued to assure that the curb, if damaged in construction, is repaired. He stated that the Village will need to establish policy pertaining to the timing of curb installation, inspection procedures, and a method to assure that damaged curb is repaired and costs assessed. Rosenbeck said that someone should be designated to inspect curb cuts and assure no damage during construction. In response to Beach, Rosenbeck reported that other municipalities put in the curb after the subdivision is completed when 90% is built on. ***Barribeau moved to require a barrier curb in Sec. 5)a)ix). Beach second. Motion carried.***

Barribeau noted that Dave Petrie was given assurances by the Plan Commission that construction of Phase II of Mustang Acres would be grand-fathered to the pre-amended standard of the subdivision ordinance. Petrie maintained that he would sustain a hardship if required to connect larger storm sewer piping than was established when Phase I was constructed. Dozer pointed out that the amendment as drafted did not contain grand-fathering language and stated that it was not clear whether the Board wanted Petrie’s situation to be grand-fathered or simply subject to an exception. The distinction, Dozer stated, is important in so far as grand-fathering would require the developer to meet only the pre-amendment standards even if a development is constructed years after the new higher standard is enacted. Rosenbeck pointed out that catch basins installed by Petrie during the first phase of construction can be engineered to accommodate curb, gutter and storm sewer construction in a future phase. Barribeau suggested

that an exception could be time limited. **Miller moved to table the matter. Barribeau second. Motion carried.** Developers Petrie and Resch will be notified that the amendment to Ordinance 38 will be taken up at the next meeting.

- g) Discussion regarding the 2002 General Fund Budget – Due to the late hour, Miller asked to schedule a special meeting to consider the 2002 budget on Monday, October 29, 2001 at 6:30 p.m.

15) Presentation of correspondence, resolutions, and related matters

- Van Lieshout called attention to a letter from Ed Lodes, representing the Echo Estates Condo Association. Lodes expressed concerns regarding changes to water run off from the golf course into the Echo Estates private pond as a result of culvert changes made during Pigeon Road reconstruction. Lodes also indicated the Association’s concerns with liability that “could occur due to the proximity of the trail to our pond”.
- Van Lieshout reviewed the results of an informational meeting regarding a stormwater drainage study of Bridle Court, Forest Lane, Sunset Lake Court, Palisades Court.
- Barribeau noted that illegal signs are reappearing in Village right-of-ways. Dozer pointed out that all such signs and flyers are prohibited by state statute. Van Lieshout was asked to contact the state Attorney General to request assistance in enforcing the statutes.
- Barribeau asked about the progress of litigating building code violations by certain builders. Dozer and Van Lieshout were directed to take these matters to circuit court rather than waiting until a relationship with the municipal court system in Brillion can be established by ordinance.
- Barribeau asked if pedestrian stop signs have been posted at golf course and trail crossings. Van Lieshout stated that the matter is in progress. Diedrick reported the cost of the signs to be \$4.90 apiece.
- Barribeau stated that Smart Growth grants are available. Van Lieshout reported that it is strategically best to wait until judicial review has more clearly defined the terms of Smart Growth planning and until fund balance is accumulated to cover costs.
- **Miller made a motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation at 9:20 p.m. Laux second. Motion carried.**
- **Miller moved to RETURN TO OPEN SESSION to take further action or to adjourn the meeting at 9:30 p.m. Laux second. Motion carried.**

**16) Adjournment – *Barribeau moved to adjourn at 9:30 p.m. Laux second. Motion carried.***

Respectfully submitted,

Ellen Maxymek  
Village Clerk

## Village Board Meeting Minutes October 29, 2001

- 1) Call to Order and Roll Call – The meeting was called to order at 6:60 p.m. by President Miller. Roll was called as follows:

<b>Present</b>	<b>Others Present</b>
Bill Barribeau	Josh Van Lieshout
Joe Beach – 7:15 p.m.	Ellen Maxymek, Clerk
Joyce Laux	
Lynn Milheiser	
Dave Miller	
Michel Muchowski	
Carl Thomson	
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*
  
- 4) Registered citizen comments on agenda items – John Roenitz, Superior Services, stated that Superior recently submitted the most competitive bids possible for solid waste collection and disposal services.
  
- 5) Discussion regarding the 2002 Village Budget – The 2002 General Fund Budget was reviewed with the following changes and comments suggested:
  - Because Town of Harrison has not responded to efforts by the Village to re-write the expired contract for fire protection services, Van Lieshout was directed to consult with the Village Attorney regarding viability of paying for the services in installments rather than in a lump sum payment. This to draw attention to the Village’s desire to update the contract.
  
  - Use designated fund balance to fund cemetery improvements.
  
  - Contact Tom Jack, President Harrison First Responders, to determine 2002 donation request and increase the budget accordingly.
  
  - Increase budget to finance annual maintenance to community center and recreation center HVAC systems.
  
  - Adjust budgeted categories of public works wages to more accurately relate budget to actual.
  
- 6) Presentation of correspondence, resolutions, and related matters – Milheiser commented that trucks are being parked illegally, particularly in the parking area of the vacant Mobil station at the intersection of Highway 114 and Clifton Road.

7) Adjournment – *Milheiser moved to adjourn at 8:10 p.m. Laux second. Motion carried.*

Respectfully submitted,

Ellen Maxymek, Village Clerk

## Village Board Minutes

November 12, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Dave Miller  
Carl Thomson

**Absent**

Lynn Milheiser  
Michel Muchowski - Excused

**Others Present**

Steve Dozer, Village Attorney  
Gary Rosenbeck, Village Engineer arr. 9:45  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works Dept.  
Ellen Maxymek, Clerk

- 2) **Pledge of Allegiance**

- 3) **Approval of the Agenda** – *Barribeau moved to approve the agenda. Laux second. Motion carried.*

- 4) **Approval of Minutes:** *Barribeau moved to approve the minutes of October 22, 2001. Laux second.* Beach asked for clarification of page 4, agenda item 14) c) in last sentence change to ...*obligating the property owner to maintain the ditch enclosure.* Beach requested clarification of page 5 item 14) f) paragraph 2 to read *Barribeau moved to require a barrier curb in Sec. 5)a)ix) of the amendment to Subdivision Ordinance 38. Motion to approve the minutes carried with the fore-mentioned changes.*

*Miller moved to approve minutes of the meeting of October 29, 2001. Thomson second.* Laux requested that the following comment be added to page item 5) Change *Increase the budget to finance improvements to the Village cemetery, ie. Fencing the cemetery perimeter and repair broken headstones to Use designated fund balance to fund cemetery improvements. Motion to approve the minutes carried with the fore-mentioned change.*

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

- John C. Price, W196 Robinhood Court, regarding the standing of his request for reimbursement for sewer backup damages. Van Lieshout stated that the claim was initially made to then carrier Wausau Insurance. Wausau denied the Price claim. He was then instructed to re-file the claim with Kempes Insurance, which is the Village's new carrier. Answering Price Van Lieshout stated he does not know when that claim process will be completed.
- Scott Van Asten, W4760 Cliffview Drive, re. agenda item 11) b)
- Dave Petrie, N7986 Stommel Road, re. agenda item 11) a)

**6) Consent Agenda**

**a) Approval of Operators Permit**

- i) **Karen M. Quinn** – *Barribeau moved to approve this operators permit. Thomson second. Motion carried.*

**7) Report of the Plan Commission**

**1) For Information Only**

- a) Reviewed draft amendment to Ordinance Number 38 requiring parkland development fees. Asked for amendment to be returned with language to designate development fees for park development uses only. Consensus agreement that commons areas not open for public use shall not be included in the parkland development fee and conveyance calculation.
- b) Suggested changes to the concept plan of Lakeshore Estates West II, submitted by Schuler & Associates as follows:
- i) Plan Natures Way as a through road to State Park Road
- ii) Remove cul-de-sac roads or plan wider cul-de-sacs
- c) Reviewed action by the Village Board regarding exception granted developers of Lakeshore Estates IV to Subdivision Ordinance requirement to install street lighting.
- d) Requested recording of roll call vote on future actions by Village Board regarding recommendations referred from Plan Commission.
- e) Reviewed changes to Sewer Service Area Plan.

Beach questioned the reasoning behind the Plan Commission request for roll call vote on the Plan Commission report. Barribeau stated that the clerk told the Plan Commission that all votes were recorded stating the trustees' who cast votes against the motion and any abstentions. Because two of the trustees are also seated on the Plan Commission, they will call for the more formal roll call vote.

**8) Report of Village Officers**

- a) **President** – Miller expressed thanks to the Coordinator and Clerk for their work developing the new budget.

**b) Trustee Carl Thomson**

- i) Discussion and action regarding entryway signs to the Village of Sherwood – Thomson distributed a rendition of the sign selected by the Lions Club as their choice for entry to the Village signs. The names of the Lions Club and The American Legion Post will be affixed on the signs. The Lions Club wishes to donate the signs worth approximately \$1,000 with the stipulation that the Village buy the posts, install the signs, and plant and maintain the area on which the signs are mounted. Following discussion regarding ownership of the land on which the signs would be mounted, Van Lieshout stated that it



might be necessary to secure easements or leases to the property. ***Barribeau moved to accept the Lions Club donation of Village entry signs. The Village agrees to install, maintain the signs, and landscape and maintain the property upon which the signs are mounted. Laux second. Motion carried.*** Barribeau indicated that Van Lieshout should contact the County Land Conservation Office in regard to removal of their sign that marks the watershed. Diedrich asked that matching decals for the Village trucks be made by the same sign fabrication company.

**c) Clerk/Treasurer**

- i) **Disbursement Reports and Financial Reports** – In reviewing the check register, Miller asked that reimbursements for mileage be paid on a monthly basis. Barribeau questioned several items over budget on the budget comparison report. Maxymek explained that she is preparing an amendment to increase the budgeted amounts in a number of account groups.

A report of past due accounts was reviewed and discussed. The attorney noted the advisability of establishing an ordinance which codifies the placing of amounts for refuse service on the tax roll. Barribeau clarified that if collection via the tax roll is provided for by ordinance no other collection action is necessary. Barribeau asked why charges for weed abatement are being billed at \$68. He stated that he thought the weed ordinance set the citation amount at \$100. Maxymek responded that in 1999 the Nuisance Ordinance was amended to incorporate weed growth in excess of 12 inches on platted property as a violation. That ordinance states that the Village can recover the cost of nuisance abatement. In the case of weed abatement, cost plus a 10% administrative charge was billed. On the advice of the attorney, ***Beach moved to set a minimum limit of \$25 and minimum aging of 90 days before past due accounts will be pursued for collection. Laux seconded. Motion carried.***

Past due accounts for developer reimbursement of Village paid services and developer special assessments were discussed. The attorney was directed to pursue court judgements as needed to collect unpaid balances owed by Sherwood Forest Limited/Sherwood Forest Golf Village and Decker Properties/Fairways at High Cliff, Chuck Gehl/Cliffwood-Castle Project, and Mike Krueger/Cliffwood-Castle Project.

- 9) **Village Attorney** – Dozer reported that he has ordered citation books from Calumet County. When they are received he will issue citations noting court date for code violations as directed by the Board. Extra citations have been ordered which can be issued by the code administrator or whoever is designated by the applicable ordinance.

Dozer reviewed the process for posting a bond to assure that damage or incurred expense from culvert placement or curb cutting can be recouped. He will draft building permit language that includes posting a bond.

## 10) Village Engineer

- a) **Discussion and approval of Change Order Number 1, TIF Park Site Grading** – Change Order No.1 increasing the TIF Park Site Grading contract by \$885.18 to \$69,468.18 was reviewed. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- b) **Discussion and approval of Change Order Number 2, Pigeon Road Reconstruction** – Van Lieshout reviewed Change Order No. 2, increasing the amount of the Pigeon Road Reconstruction contract by \$3,568.75 to \$444,436.20. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- c) **Discussion and approval of Change Order Number 1, Meadow Cliff Estates Sanitary Sewer and Water Main Construction** – Van Lieshout reviewed Change Order No. 1 – Revised, which extends the completion date of the Meadowcliff Estates Sanitary Sewer & Water Main Connection to January 1, 2002 with Final in Spring of 2002. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- d) **Discussion and approval of Certificate of Payment Number 1, 2001 Storm Water Pond Construction** – *Barribeau moved to approve a certificate for payment on the 2001 Storm Water Pond Construction project in the amount of \$317,530.36. Laux second. Motion carried.*

## 11) Village Coordinator

- a) Discussion and action to approve amending Ordinance 38, Sections 5 and 6 Regulating Subdivisions and standards for street design and storm sewer improvements – Dave Petrie stated that he believed Phase II of his Mustang Acres Plat was already grandfathered from inclusion under the amendment when he appeared before the Plan Commission. It is his concern that because catch basins are already installed in the property to be developed as Phase II the project would be complicated and costs increased by having to install infrastructure sufficient to support curb, gutter and storm sewers rather than ditches as was originally intended.

Dozer reported that the draft language of the amendment states that subdivisions which were pre-approved are not annulled by the amended ordinance. However, the amending language goes on to state that when the ordinance imposes greater restrictions the provisions of the ordinance shall govern. Dozer suggested that the final sentence can be eliminated but it will then provide for exclusion from the requirement to build upgraded infrastructure no matter how far in the future the multi-phases are actually constructed. Dozer responded to a question from Beach that the Village could if it chooses assume the cost of upgrading the current catch basin infrastructure to accommodate the new standard or special assess the cost. Beach stated he would like to know the cost of the upgrading, however, Van Lieshout stated it may be costly to determine future costs. Dozer stated that he

needs to know how the Board would like him to draft an exception, exclusion or grand-fathering in the event that any like circumstance should occur in the future. He indicated the Board should develop as policy how they want to handle such exceptions and not to address such exception on a case by case basis. **Miller moved to approve this ordinance amendment with an exception clause for Petrie's circumstance. Barribeau second.** Dozer stated that the amendment must be redrafted to add exception language. The language will state that future plats that have already provided for a pond system to drain runoff [as in the case of Petrie's concept for Phase II] will be excepted from the amendment. **Miller withdrew his motion. Miller moved to table the discussion until appropriate language can be drafted. Barribeau second. Motion carried.** Dozer stated he would mail a copy of the amendment draft to Petrie before the Board takes final action. Beach stated that he still would like a cost estimate for upgrading the Mustang Acres II infrastructure.

- b) **Discussion and action to approve a rip-rap proposal for State Park Estate Ponds** – Scott Van Asten, referring to a Vosters Landscaping Inc. Phase I proposal [distributed in meeting packet] in the amount of \$4,550 to rip-rap ponds, said that he can only guarantee the price if the project is undertaken in the near future while the surrounding grounds are solid thereby avoiding extensive restoration. Van Lieshout noted that the originally estimated cost of the project was \$60,000 of which \$35,000 would be available through county grant monies. Projects over \$10,000 require a competitive bidding process and no money is available if competitive bids are not secured. The Vosters proposal being well under the competitive bid process ceiling, he said, the Board could accept the Vosters proposal without going through bids. Van Lieshout cautioned that the Board ought to take steps, however, to secure contract documents to assure satisfactory project completion.

Van Asten responded to a Miller inquiry, stating that although it was originally thought that erosion control could be effected by partial planting of parts of the ponds' perimeters, it has been since determined that the entire shoreline has deteriorated to the point that all needs to be rip rapped. Attorney Dozer commented on the following aspects of the proposal:

- Proposal is specifically noted as referring to Phase I of a multi-phase project. Acceptance of the proposal does not signify acceptance of any phase other than Phase I
- The Village would be responsible for funding the purchase and transport of 450 tons of crushed stone estimated by the contractor as being the tonnage necessary to complete the project
- Village should be careful to have some ability to dictate the dumpsites for the stone
- Will Vosters or the Village be responsible to pay for the restoration of any damage to the to lawn area done during the project. Van Asten stated that any damage done by the contractor would be restored and paid for by Vosters.

That is why the window of opportunity to place the stone rip-rap is narrow at the proposed price.

- What happens if rip-rap is poured on top of already eroded portions underneath the bank. Van Asten responded that undermined areas will require more stone and it is hard to estimate exactly the amount of tonnage needed.

***Beach moved to accept a proposal submitted by Vosters Landscaping, Inc., in the amount of \$4,550, for Phase I of a project to control erosion of State Park Estate Ponds. Approval is contingent on the Village Engineer approving the scope of the proposal and determining that the erosion problem can be resolved by the contractor's proposal. Miller second. Motion carried.***

- c) **Discussion and action to approve a solid waste collection and disposal contractor for the years 2002 through 2004** – Van Lieshout reviewed proposals from Waste Management and Superior Services as well as a tabulation of the proposals. Total cost to the Village for a three year service contract totaled Superior Services \$147,577.20 and Waste Management \$153,424.84. Thomson inquired if Superior Services has the capacity to pick-up excess garbage not in the automated disposal cart. John Roenitz answered, saying that the proposal was based on the collection and disposal utilizing their automated cart system and can not accommodate refuse not confined in the cart. ***Miller moved to award the solid waste collection and disposal contract to Superior Services. Laux second. Motion carried.***
- d) **Discussion and action regarding towing bill for Sam Carnes** – Van Lieshout explained that Mr. Carnes parked his vehicle on a Village street and went out of town for several days. The Constable believed the dust covered auto to be abandoned and asked that the vehicle be towed after determining that the title showed ownership with an address in Little Chute. Carnes asked that the towing charges be reimbursed to him. After discussion ***Miller moved to decline reimbursement of the charges. Laux second. Motion carried.***
- e) **Discussion and approval of a letter to Attorney General James E. Doyle, Jr. regarding the placement of solicitation signs** – The letter was reviewed and approved for mailing.
- f) **Discussion regarding claim of Tom Ott** – Correspondence and dismissal of a small claims court action brought by Ott were reviewed. Judge Poppy noted that, although it was unclear as to who was responsible for maintaining property adjacent to the a driveway apron, someone should address repair of the hole into which the Ott auto was driven. Van Lieshout advised that the hole was filled by Village personnel immediately after the occurrence.
- g) **Discussion regarding correspondence from Randy Schultz** – Van Lieshout reported that he discussed the reason for milling the surface of State Park Road with Mr. Schultz.

- h) **Discussion regarding spoils pile at Wannick Choate Park** – A Village resident has asked to remove the fill left from the construction of the Miller and Nuthatch Detention Ponds. Dozer suggested the Village might be able to trade the fill in exchange for trucking rip-rap stone to the site of the State Park Estates rip-rap project.
- i) **Discussion regarding 2002 municipal budget** – Van Lieshout reviewed the following significant changes made to the General Fund budget since it was last reviewed by the Board:

**Expenditures**

Health & Human Services: Donations +\$1,150 to First Responder for purchase of 7 oxymeters

Rec. Center: Outside Services + 2,425 for quarterly service of HVAC

Health & Human Services: Capital Improvements + \$10,000 for cemetery fence

**Revenues**

General Property Tax + \$13,575 to fund increase in total expenditures

Assuming approval of the above tax levy, the tax rate per 1000 calculates to \$6.96, which is a 4.4% increase over the 2000/01 rate. Other rates calculated on reduced levies were also reviewed.

Budgets for all other funds were reviewed including the detail of capital improvement projects and purchases.

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

- Laux stated that driveway apron on portions of Military Road are built at a higher level than the street creating too steep an incline. She inquired about the possibility of reconstructing these concrete aprons in conjunction with the scheduled 2002 re-paving of shoulders on the road. Van Lieshout pointed out that it is likely that sidewalks would have to be rebuilt as well unless they could be ramped to the lower level of the aprons. He also noted that the project would have to be special assessed to property owners.
- Thomson reported that Dave Van Elzen of Sherwood Lions Football Team is looking for donation of black dirt top dressing for the refurbished football fields in Legion Park. Rosenbeck reported that the only black dirt pile is on State Park Road. Van Lieshout reported the minimum hauling cost to be \$2.50 per yard.

**13) Adjournment – Thomson moved to adjourn at 10:00 p.m. Barribeau second. Motion carried.**

**Village Board Meeting Minutes**  
**November 26, 2001**

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michel Muchowski  
Carl Thomson

**Others Present**

Steven Dozer, Attorney  
Gary Rosenbeck, Engineer  
Josh Van Lieshout, Coordinator  
Ellen Maxymek, Clerk/Treasurer

- 2) **Pledge of Allegiance**
- 3) **Approval of the Agenda** – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*
- 4) **Approval of Minutes** – Minutes not available.
- 5) **Registered citizen comments on agenda items**  
John Roennitz, Superior Services, re. agenda item 14)d).
- 6) **PUBLIC HEARING:** On the Proposed 2002 Budget of the Village of Sherwood. This hearing has been published and posted pursuant to Sec. 65.90 of the Wisconsin Statutes.
- Jeff Dercks, N7547 Lower Cliff Road – Received an explanation of the percentage increase proposed in the General Fund levy as related to the local tax rate percentage increase.
  - Florian Schmidt, W425 Margaret Court – Van Lieshout reported upon inquiry that the proposed tax increment to be levied in the TIF fund was \$813,163.

Following three calls for public comment on the 2002 budget, Miller announced the hearing closed at 7:00 p.m.

- 7) **Discussion and action to adopt the 2002 Budget for the Village of Sherwood** – In response to Laux Van Lieshout stated that the purchase of a dump truck has been in the budget since initial budget deliberations. The funding of the purchase is taken from designated fund balance as well as 2002 general fund levy revenues and the recent non-TIF capital borrowing revenues.

*Barribeau moved to approve the 2002 Village Budgets. Milheiser second.* Miller proposed to reduce the general fund expenditures, levy and tax rate by deleting a \$10,000 item from health and human services capital outlay for a cemetery fence. This would decrease the tax rate from \$6.96 to 6.80 per thousand. *Barribeau moved to amend his motion to approve, deleting \$10,000 from the general fund health and*

*human services budget. Milheiser second. Motion to amend the budget carried on a roll call vote with Barribeau, Beach, Laux, Milheiser, Miller, Muchowski, and Thomson voting aye. No Nay votes or abstentions were cast. The original motion carried on a roll call vote with Barribeau, Beach, Laux, Milheiser, Miller, Muchowski, and Thomson voting aye. No Nay votes or abstentions were cast.*

- 8) **Discussion and action to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 01-75 – Milheiser moved to approve a waiver to rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 01-75. Miller second. Motion carried unanimously.**
- 9) **Discussion and action to adopt Ordinance 01-75 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2002 Budget – Milheiser moved to adopt Ordinance 01-75 Appropriating \$434,710, the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2002 Budget. Barribeau second. Motion carried unanimously.**
- 10) **Report of the Utility Commission November 13, 2001 - No action necessary.**
  - 1) **For Information Only**
    - a) Approved the placement of past due utility accounts on property tax bills as special charges.
    - b) Approved the Sewer Budget as presented with exclusion of the lawn mower enclosure, snow equipment, main lift station enclosure and the lift station shelter, in addition to reducing the outside services for engineering from \$9,500 to \$6,000, and raise the sewer rates by 5%.
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- i) **Disbursement Reports and Financial Reports** – calling attention to the Unposted Check Register, the treasurer asked for of these payments which are over budget items. She also reported that the Weed Commissioner has asked for payment in the amount of approximately \$500 for hours spent inspecting and verifying infractions of weed overgrowth nuisance. *Miller moved to approve payment of invoices over budget including Weed Commissioner wages. Milheiser second. Motion carried.*

- 12) Village Attorney – Dozer reported that he has checked the statutes regarding impounding vehicles which appear to be abandoned, stating that the statute provided for the towing of

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

- Responding to a question from Barribeau, Van Lieshout reported that the emergency numbering signs reportedly would be received in mid December.
- Beach inquired whether the Village could assess for sewer main improvements. Van Lieshout reported that there is currently no provision for assessing sewer improvements in the Special Assessment Policy. Beach requested that an amendment to the policy should be brought back for future consideration. Dozer suggested that the policy be reviewed in it's entirety.
- Thomson noted that a Village Board meeting is scheduled on Christmas Eve. It was the consensus of the Board to suspend the usual schedule.

**16) Adjournment – *Milheiser moved to adjourn the meeting at 8:18 p.m. Barribeau second. Motion carried.***

## Village Board Minutes

November 12, 2001

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Dave Miller  
Carl Thomson

**Absent**

Lynn Milheiser  
Michel Muchowski - Excused

**Others Present**

Steve Dozer, Village Attorney  
Gary Rosenbeck, Village Engineer arr. 9:45  
Josh Van Lieshout, Coordinator  
Bill Diedrick, Public Works Dept.  
Ellen Maxymek, Clerk

- 2) **Pledge of Allegiance**

- 3) **Approval of the Agenda** – *Barribeau moved to approve the agenda. Laux second. Motion carried.*

- 4) **Approval of Minutes:** *Barribeau moved to approve the minutes of October 22, 2001. Laux second.* Beach asked for clarification of page 4, agenda item 14) c) in last sentence change to ...*obligating the property owner to maintain the ditch enclosure.* Beach requested clarification of page 5 item 14) f) paragraph 2 to read *Barribeau moved to require a barrier curb in Sec. 5)a)ix) of the amendment to Subdivision Ordinance 38. Motion to approve the minutes carried with the fore-mentioned changes.*

*Miller moved to approve minutes of the meeting of October 29, 2001. Thomson second.* Laux requested that the following comment be added to page item 5) Change *Increase the budget to finance improvements to the Village cemetery, ie. Fencing the cemetery perimeter and repair broken headstones to Use designated fund balance to fund cemetery improvements. Motion to approve the minutes carried with the fore-mentioned change.*

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

- John C. Price, W196 Robinhood Court, regarding the standing of his request for reimbursement for sewer backup damages. Van Lieshout stated that the claim was initially made to then carrier Wausau Insurance. Wausau denied the Price claim. He was then instructed to re-file the claim with Kempes Insurance, which is the Village's new carrier. Answering Price Van Lieshout stated he does not know when that claim process will be completed.
- Scott Van Asten, W4760 Cliffview Drive, re. agenda item 11) b)
- Dave Petrie, N7986 Stommel Road, re. agenda item 11) a)

**6) Consent Agenda**

**a) Approval of Operators Permit**

- i) **Karen M. Quinn** – *Barribeau moved to approve this operators permit. Thomson second. Motion carried.*

**7) Report of the Plan Commission**

**1) For Information Only**

- a) Reviewed draft amendment to Ordinance Number 38 requiring parkland development fees. Asked for amendment to be returned with language to designate development fees for park development uses only. Consensus agreement that commons areas not open for public use shall not be included in the parkland development fee and conveyance calculation.
- b) Suggested changes to the concept plan of Lakeshore Estates West II, submitted by Schuler & Associates as follows:
- i) Plan Natures Way as a through road to State Park Road
- ii) Remove cul-de-sac roads or plan wider cul-de-sacs
- c) Reviewed action by the Village Board regarding exception granted developers of Lakeshore Estates IV to Subdivision Ordinance requirement to install street lighting.
- d) Requested recording of roll call vote on future actions by Village Board regarding recommendations referred from Plan Commission.
- e) Reviewed changes to Sewer Service Area Plan.

Beach questioned the reasoning behind the Plan Commission request for roll call vote on the Plan Commission report. Barribeau stated that the clerk told the Plan Commission that all votes were recorded stating the trustees' who cast votes against the motion and any abstentions. Because two of the trustees are also seated on the Plan Commission, they will call for the more formal roll call vote.

**8) Report of Village Officers**

- a) **President** – Miller expressed thanks to the Coordinator and Clerk for their work developing the new budget.

**b) Trustee Carl Thomson**

- i) Discussion and action regarding entryway signs to the Village of Sherwood – Thomson distributed a rendition of the sign selected by the Lions Club as their choice for entry to the Village signs. The names of the Lions Club and The American Legion Post will be affixed on the signs. The Lions Club wishes to donate the signs worth approximately \$1,000 with the stipulation that the Village buy the posts, install the signs, and plant and maintain the area on which the signs are mounted. Following discussion regarding ownership of the land on which the signs would be mounted, Van Lieshout stated that it

might be necessary to secure easements or leases to the property. ***Barribeau moved to accept the Lions Club donation of Village entry signs. The Village agrees to install, maintain the signs, and landscape and maintain the property upon which the signs are mounted. Laux second. Motion carried.*** Barribeau indicated that Van Lieshout should contact the County Land Conservation Office in regard to removal of their sign that marks the watershed. Diedrich asked that matching decals for the Village trucks be made by the same sign fabrication company.

**c) Clerk/Treasurer**

- i) **Disbursement Reports and Financial Reports** – In reviewing the check register, Miller asked that reimbursements for mileage be paid on a monthly basis. Barribeau questioned several items over budget on the budget comparison report. Maxymek explained that she is preparing an amendment to increase the budgeted amounts in a number of account groups.

A report of past due accounts was reviewed and discussed. The attorney noted the advisability of establishing an ordinance which codifies the placing of amounts for refuse service on the tax roll. Barribeau clarified that if collection via the tax roll is provided for by ordinance no other collection action is necessary. Barribeau asked why charges for weed abatement are being billed at \$68. He stated that he thought the weed ordinance set the citation amount at \$100. Maxymek responded that in 1999 the Nuisance Ordinance was amended to incorporate weed growth in excess of 12 inches on platted property as a violation. That ordinance states that the Village can recover the cost of nuisance abatement. In the case of weed abatement, cost plus a 10% administrative charge was billed. On the advice of the attorney, ***Beach moved to set a minimum limit of \$25 and minimum aging of 90 days before past due accounts will be pursued for collection. Laux seconded. Motion carried.***

Past due accounts for developer reimbursement of Village paid services and developer special assessments were discussed. The attorney was directed to pursue court judgements as needed to collect unpaid balances owed by Sherwood Forest Limited/Sherwood Forest Golf Village and Decker Properties/Fairways at High Cliff, Chuck Gehl/Cliffwood-Castle Project, and Mike Krueger/Cliffwood-Castle Project.

- 9) **Village Attorney** – Dozer reported that he has ordered citation books from Calumet County. When they are received he will issue citations noting court date for code violations as directed by the Board. Extra citations have been ordered which can be issued by the code administrator or whoever is designated by the applicable ordinance.

Dozer reviewed the process for posting a bond to assure that damage or incurred expense from culvert placement or curb cutting can be recouped. He will draft building permit language that includes posting a bond.

## 10) Village Engineer

- a) **Discussion and approval of Change Order Number 1, TIF Park Site Grading** – Change Order No.1 increasing the TIF Park Site Grading contract by \$885.18 to \$69,468.18 was reviewed. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- b) **Discussion and approval of Change Order Number 2, Pigeon Road Reconstruction** – Van Lieshout reviewed Change Order No. 2, increasing the amount of the Pigeon Road Reconstruction contract by \$3,568.75 to \$444,436.20. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- c) **Discussion and approval of Change Order Number 1, Meadow Cliff Estates Sanitary Sewer and Water Main Construction** – Van Lieshout reviewed Change Order No. 1 – Revised, which extends the completion date of the Meadowcliff Estates Sanitary Sewer & Water Main Connection to January 1, 2002 with Final in Spring of 2002. *Barribeau moved to approve the change order. Laux second. Motion carried.*
- d) **Discussion and approval of Certificate of Payment Number 1, 2001 Storm Water Pond Construction** – *Barribeau moved to approve a certificate for payment on the 2001 Storm Water Pond Construction project in the amount of \$317,530.36. Laux second. Motion carried.*

## 11) Village Coordinator

- a) Discussion and action to approve amending Ordinance 38, Sections 5 and 6 Regulating Subdivisions and standards for street design and storm sewer improvements – Dave Petrie stated that he believed Phase II of his Mustang Acres Plat was already grandfathered from inclusion under the amendment when he appeared before the Plan Commission. It is his concern that because catch basins are already installed in the property to be developed as Phase II the project would be complicated and costs increased by having to install infrastructure sufficient to support curb, gutter and storm sewers rather than ditches as was originally intended.

Dozer reported that the draft language of the amendment states that subdivisions which were pre-approved are not annulled by the amended ordinance. However, the amending language goes on to state that when the ordinance imposes greater restrictions the provisions of the ordinance shall govern. Dozer suggested that the final sentence can be eliminated but it will then provide for exclusion from the requirement to build upgraded infrastructure no matter how far in the future the multi-phases are actually constructed. Dozer responded to a question from Beach that the Village could if it chooses assume the cost of upgrading the current catch basin infrastructure to accommodate the new standard or special assess the cost. Beach stated he would like to know the cost of the upgrading, however, Van Lieshout stated it may be costly to determine future costs. Dozer stated that he

needs to know how the Board would like him to draft an exception, exclusion or grand-fathering in the event that any like circumstance should occur in the future. He indicated the Board should develop as policy how they want to handle such exceptions and not to address such exception on a case by case basis. **Miller moved to approve this ordinance amendment with an exception clause for Petrie's circumstance. Barribeau second.** Dozer stated that the amendment must be redrafted to add exception language. The language will state that future plats that have already provided for a pond system to drain runoff [as in the case of Petrie's concept for Phase II] will be excepted from the amendment. **Miller withdrew his motion. Miller moved to table the discussion until appropriate language can be drafted. Barribeau second. Motion carried.** Dozer stated he would mail a copy of the amendment draft to Petrie before the Board takes final action. Beach stated that he still would like a cost estimate for upgrading the Mustang Acres II infrastructure.

- b) **Discussion and action to approve a rip-rap proposal for State Park Estate Ponds** – Scott Van Asten, referring to a Vosters Landscaping Inc. Phase I proposal [distributed in meeting packet] in the amount of \$4,550 to rip-rap ponds, said that he can only guarantee the price if the project is undertaken in the near future while the surrounding grounds are solid thereby avoiding extensive restoration. Van Lieshout noted that the originally estimated cost of the project was \$60,000 of which \$35,000 would be available through county grant monies. Projects over \$10,000 require a competitive bidding process and no money is available if competitive bids are not secured. The Vosters proposal being well under the competitive bid process ceiling, he said, the Board could accept the Vosters proposal without going through bids. Van Lieshout cautioned that the Board ought to take steps, however, to secure contract documents to assure satisfactory project completion.

Van Asten responded to a Miller inquiry, stating that although it was originally thought that erosion control could be effected by partial planting of parts of the ponds' perimeters, it has been since determined that the entire shoreline has deteriorated to the point that all needs to be rip rapped. Attorney Dozer commented on the following aspects of the proposal:

- Proposal is specifically noted as referring to Phase I of a multi-phase project. Acceptance of the proposal does not signify acceptance of any phase other than Phase I
- The Village would be responsible for funding the purchase and transport of 450 tons of crushed stone estimated by the contractor as being the tonnage necessary to complete the project
- Village should be careful to have some ability to dictate the dumpsites for the stone
- Will Vosters or the Village be responsible to pay for the restoration of any damage to the to lawn area done during the project. Van Asten stated that any damage done by the contractor would be restored and paid for by Vosters.

That is why the window of opportunity to place the stone rip-rap is narrow at the proposed price.

- What happens if rip-rap is poured on top of already eroded portions underneath the bank. Van Asten responded that undermined areas will require more stone and it is hard to estimate exactly the amount of tonnage needed.

***Beach moved to accept a proposal submitted by Vosters Landscaping, Inc., in the amount of \$4,550, for Phase I of a project to control erosion of State Park Estate Ponds. Approval is contingent on the Village Engineer approving the scope of the proposal and determining that the erosion problem can be resolved by the contractor's proposal. Miller second. Motion carried.***

- c) **Discussion and action to approve a solid waste collection and disposal contractor for the years 2002 through 2004** – Van Lieshout reviewed proposals from Waste Management and Superior Services as well as a tabulation of the proposals. Total cost to the Village for a three year service contract totaled Superior Services \$147,577.20 and Waste Management \$153,424.84. Thomson inquired if Superior Services has the capacity to pick-up excess garbage not in the automated disposal cart. John Roenitz answered, saying that the proposal was based on the collection and disposal utilizing their automated cart system and can not accommodate refuse not confined in the cart. ***Miller moved to award the solid waste collection and disposal contract to Superior Services. Laux second. Motion carried.***
- d) **Discussion and action regarding towing bill for Sam Carnes** – Van Lieshout explained that Mr. Carnes parked his vehicle on a Village street and went out of town for several days. The Constable believed the dust covered auto to be abandoned and asked that the vehicle be towed after determining that the title showed ownership with an address in Little Chute. Carnes asked that the towing charges be reimbursed to him. After discussion ***Miller moved to decline reimbursement of the charges. Laux second. Motion carried.***
- e) **Discussion and approval of a letter to Attorney General James E. Doyle, Jr. regarding the placement of solicitation signs** – The letter was reviewed and approved for mailing.
- f) **Discussion regarding claim of Tom Ott** – Correspondence and dismissal of a small claims court action brought by Ott were reviewed. Judge Poppy noted that, although it was unclear as to who was responsible for maintaining property adjacent to the a driveway apron, someone should address repair of the hole into which the Ott auto was driven. Van Lieshout advised that the hole was filled by Village personnel immediately after the occurrence.
- g) **Discussion regarding correspondence from Randy Schultz** – Van Lieshout reported that he discussed the reason for milling the surface of State Park Road with Mr. Schultz.



- h) **Discussion regarding spoils pile at Wannick Choate Park** – A Village resident has asked to remove the fill left from the construction of the Miller and Nuthatch Detention Ponds. Dozer suggested the Village might be able to trade the fill in exchange for trucking rip-rap stone to the site of the State Park Estates rip-rap project.
- i) **Discussion regarding 2002 municipal budget** – Van Lieshout reviewed the following significant changes made to the General Fund budget since it was last reviewed by the Board:

**Expenditures**

Health & Human Services: Donations +\$1,150 to First Responder for purchase of 7 oxymeters

Rec. Center: Outside Services + 2,425 for quarterly service of HVAC

Health & Human Services: Capital Improvements + \$10,000 for cemetery fence

**Revenues**

General Property Tax + \$13,575 to fund increase in total expenditures

Assuming approval of the above tax levy, the tax rate per 1000 calculates to \$6.96, which is a 4.4% increase over the 2000/01 rate. Other rates calculated on reduced levies were also reviewed.

Budgets for all other funds were reviewed including the detail of capital improvement projects and purchases.

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

- Laux stated that driveway apron on portions of Military Road are built at a higher level than the street creating too steep an incline. She inquired about the possibility of reconstructing these concrete aprons in conjunction with the scheduled 2002 re-paving of shoulders on the road. Van Lieshout pointed out that it is likely that sidewalks would have to be rebuilt as well unless they could be ramped to the lower level of the aprons. He also noted that the project would have to be special assessed to property owners.
- Thomson reported that Dave Van Elzen of Sherwood Lions Football Team is looking for donation of black dirt top dressing for the refurbished football fields in Legion Park. Rosenbeck reported that the only black dirt pile is on State Park Road. Van Lieshout reported the minimum hauling cost to be \$2.50 per yard.

**13) Adjournment – Thomson moved to adjourn at 10:00 p.m. Barribeau second. Motion carried.**

**Village Board Meeting Minutes**  
**November 26, 2001**

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

**Present**

Bill Barribeau  
Joe Beach  
Joyce Laux  
Lynn Milheiser  
Dave Miller  
Michel Muchowski  
Carl Thomson

**Others Present**

Steven Dozer, Attorney  
Gary Rosenbeck, Engineer  
Josh Van Lieshout, Coordinator  
Ellen Maxymek, Clerk/Treasurer

- 2) **Pledge of Allegiance**
- 3) **Approval of the Agenda** – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*
- 4) **Approval of Minutes** – Minutes not available.
- 5) **Registered citizen comments on agenda items**  
John Roennitz, Superior Services, re. agenda item 14)d).
- 6) **PUBLIC HEARING:** On the Proposed 2002 Budget of the Village of Sherwood. This hearing has been published and posted pursuant to Sec. 65.90 of the Wisconsin Statutes.
- Jeff Dercks, N7547 Lower Cliff Road – Received an explanation of the percentage increase proposed in the General Fund levy as related to the local tax rate percentage increase.
  - Florian Schmidt, W425 Margaret Court – Van Lieshout reported upon inquiry that the proposed tax increment to be levied in the TIF fund was \$813,163.

Following three calls for public comment on the 2002 budget, Miller announced the hearing closed at 7:00 p.m.

- 7) **Discussion and action to adopt the 2002 Budget for the Village of Sherwood** – In response to Laux Van Lieshout stated that the purchase of a dump truck has been in the budget since initial budget deliberations. The funding of the purchase is taken from designated fund balance as well as 2002 general fund levy revenues and the recent non-TIF capital borrowing revenues.

*Barribeau moved to approve the 2002 Village Budgets. Milheiser second.* Miller proposed to reduce the general fund expenditures, levy and tax rate by deleting a \$10,000 item from health and human services capital outlay for a cemetery fence. This would decrease the tax rate from \$6.96 to 6.80 per thousand. *Barribeau moved to amend his motion to approve, deleting \$10,000 from the general fund health and*

*human services budget. Milheiser second. Motion to amend the budget carried on a roll call vote with Barribeau, Beach, Laux, Milheiser, Miller, Muchowski, and Thomson voting aye. No Nay votes or abstentions were cast. The original motion carried on a roll call vote with Barribeau, Beach, Laux, Milheiser, Miller, Muchowski, and Thomson voting aye. No Nay votes or abstentions were cast.*

- 8) **Discussion and action to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 01-75 – Milheiser moved to approve a waiver to rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 01-75. Miller second. Motion carried unanimously.**
- 9) **Discussion and action to adopt Ordinance 01-75 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2002 Budget – Milheiser moved to adopt Ordinance 01-75 Appropriating \$434,710, the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2002 Budget. Barribeau second. Motion carried unanimously.**
- 10) **Report of the Utility Commission November 13, 2001 - No action necessary.**
  - 1) **For Information Only**
    - a) Approved the placement of past due utility accounts on property tax bills as special charges.
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