

Village Board Meeting Minutes January 14, 2002

- 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
Michele Muchowski
Carl Thomson

Absent

Lynn Milheiser

Others Present

Steve Dozer, Village Attorney
Josh Van Lieshout, Coordinator
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 December 10, 2001 – *Barribeau moved to approve the minutes. Thomson second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Dave Goeser, W4869 Springhill Drive, re. 11 e). Goeser spoke on behalf of T-Ball and Little League, saying that the playing field at Community Park is in poor condition with drainage problems that led to canceling and moving games of the many young participants. He stated that he expects the number of kids in the program to quadruple.
 - David Van Elzen, W5223 Schaefer Road, Menasha re. 11 e)
 - Don Hawkins, H & K Enterprises, Inc., Appleton – Stated his business has developed a mix of absorbent clay suitable for playing fields noting that it is important to provide young people with a good playing surface and reduce liability for the Village. Miller questioned the cost of such a project. Hawkins provided a proposal of \$15,000 for labor and material to build a combination Little League and Softball Infield. If a grass infield is required, an additional \$3,000 would be required. Goeser asked if the Village can assist in the cost, and if so the youth programs may be able to raise funds. Miller stated that the Board just approved a budget which did not include money for further renovation of the playing field. Van Lieshout stated that if other capital projects come in substantially lower in cost than budgeted there may be money left, but that won't be known until late summer or fall at the earliest. Barribeau questioned whether the field could be moved to the TIF Park and developed with TIF funds. *Van Lieshout was directed to meet with Hawkins and Goeser about location.* Hawkins pointed out that if he acts as a consultant he will need to bill for services.
 - Kathy Ott, W470 Forest Lane, re. 11 a) b) & c)
 - 11 a) Ott reported that the East Shore Recycling Commission is a consortium of municipalities including Village of Sherwood. It is in the process of renegotiating

the contract for recyclable processing and disposal services due to expire on December 31, 2002. Waste Management, Inc. has stated that it would be unable to cost efficiently provide services. The Brown, Outagamie, and Winnebago Counties Consortium does not have a fee schedule in place at this time and is therefore unable to make a proposal for service provision.

Superior Services has offered a proposal of a 5 year agreement with a reduction in the processing fee beginning January 1, 2003 by \$10.23 per ton from the projected rate. In addition the first \$50,000 in revenue from marketed recyclables will be shared 75%/25% between the Commission (and its members) and Superior Services. The revenue split would increase up to 100%/0% over \$150,000 in revenue. An annual cost savings of \$2,280 would be enjoyed by the Village under these terms. If the Commission wishes to extend its current contract beginning January, 2002 \$1,922 will further be cost saved. Additional rate reductions are offered if the Commission elects to enter a 10 year agreement. A non-revenue sharing option was also offered. Van Lieshout stated that he believe a 10 year agreement is too long but he thinks that the Commission is leaning toward the longer term. ***Beach moved to approve a 5 year contract to process recyclable materials with East Shore Recycling Commission/Superior Services with discount for recyclable materials sold. Thomson second. Motion carried.***

- 11 b) ***Miller moved to accept a proposal from Superior Services to collect recyclable materials. Thomson second. Motion carried. Attorney Dozer was directed to review a contract for the above and to return it to the Board for approval.***
- 11 c) Ott reported that the dishwasher in the Community Center kitchen is no longer working. The dishwasher was solely for the use of the County Elderly Nutrition site. The county is asking for cost sharing by the Village for a new dishwasher if the Village wants the appliance to be made available for use by the public who rent the facilities. Cost quotations are not yet available. Following discussion ***Miller moved to table the matter until more information was available. Barribeau second. Motion carried.***
- Diane Stuckrath, N7904 State Park Road, re. 11 k) Stuckrath reported that she is distressed and having difficulty with mail delivery and other matters because she has the same address as another residence a short distance away on State Park Road in the Town of Harrison, mailing address Menasha. Thomson pointed out that the mis-numbering could lead to confusion by emergency response personnel. Van Lieshout stated that apparently a grid system was mis-applied when the addresses were set but it is unknown who made the error. He said the Village can have State Park Road and State Park Court correctly renumbered or keep the numbering and change the name/s of the road. ***He was directed to work with the county to remedy the problems.***

6) Consent Agenda

a) Approval of Operator's License

- i) Jaclynn R. Sawlsville – ***Beach moved to approve the license. Thomson second. Motion carried.***

7) Report of the Utility Commission

1. Action Items

- a. Recommended approval to drill a test well on High Cliff Golf Course property. Village Engineer reported that written permission to drill test well has been obtained. ***Laux moved to approve. Miller second.*** Beach stated he was in favor of negotiating a price for the property before the test was made. ***Motion carried with Beach voting nay. Van Lieshout was directed to negotiate a ball-park purchase price for the property.***

2. For Information Only

- a. Utility Technician reported that the Castle Drive sewer extension and lift station project is on schedule for completion at the end of December. The Meadowcliff water and sewer main construction project is completed.
- b. Utility Technician reported that the DNR does not require well abandonment if unsafe well is brought into compliance.
- c. Engineer reported on the condition of High Cliff Lift Station #3 and made prioritized recommendations for modifications/improvements needed over the next three years. Reported that improvement plan should be developed at this time.
- d. Utility Technician was directed to perform an inventory of manholes and create a plan for identifying and reducing inflow and infiltration of clean water into sewer system from sump pump connections or other sources.
- e. Engineer was directed to develop rationale for amending the Sewer Ordinance to increase the sewer connection fee. Requested fee comparison of other communities.

8) Report of Village Officers

a) President

- i) Discussion and action to approve payment of sewer backup claim of John Price – Miller stated that the Village should pay the claim to Mr. Price and work with the insurance company for reimbursement of the claim. Beach asked why the claim should be paid from Village funds rather than Utility reserves. Van Lieshout explained that it is unlikely that anything other than a plow or road construction equipment could have caused the damage to the sewer manhole chimney which obstructed the sewer flow and caused the backup. He further stated that manholes are now being inspected before and after road construction and routinely in an annual inspection thereafter to assure that damage to the infrastructure is corrected before it can cause back-up. Attorney Dozer stated that he has written a letter to the insurance company resubmitting the sewer backup claim and suggested that we can assure Mr.

Price that his claim will be reimbursed. Beach requested that the Board set a policy before paying this claim. A policy, he stated, would cover this and future claims of this. *Miller moved to resubmit the Price sewer backup claim to Wausau Insurance and to inform Price that, whatever the outcome of the claim he will be reimbursed for his loss. Barribeau second. Motion carried.*

b) Clerk/Treasurer

- i) Disbursement Reports and Financial Reports – Reviewed.

9) Village Attorney

- a) Discussion and action to amend Ordinance 55 regulating driveways and culverts – *Dozer requested direction from the trustees on how to proceed.*

- b) Discussion and action regarding the special assessment policy for public improvements – *Dozer requested direction on whether to proceed with amending the policy to include sewer improvements.*

- c) Discussion and action to approve proposing a new fire contract to the Town of Harrison – Dozer presented a draft of fire protection services contract. Before forwarding the contract, the attorney was directed to send an open records request to the Town of Harrison for budget and financial records regarding fire department services and the cost apportionment thereof, so that the Board would have the information available to negotiate the fire protection contract.

- Dozer reported that Sherwood Forest LTD has remitted recalculated interest payment on receivables. While auditing the original invoices, he reported, the clerk found that two invoices totaling \$1356 remain unpaid. *Dozer will send correspondence requesting payment.*
- Decker Properties responded to Dozer's request for payment, correctly stating that the Village's reimbursement resolution does not provide for repayment of professional services other than those incurred by subdivision developers. *Beach requested that the attorney draft an amended resolution or an ordinance to cure the defect.*
- An outstanding special assessment due from Mike Krueger for construction of a temporary detention pond remains unpaid. Dozer has discovered that a conflict of interest exists because his firm has represented Krueger in past transactions. The attorney is therefore unable to represent the Village in further action involving Krueger. *The Village will need to hire other legal representation or represent itself in further actions to collect.*
- Regarding citations for building permit violations, Dozer reported on a meeting with two of the builders to whom citations were issued. The builders pled no contest to three citations. The remainder of the citations will be dismissed by the Village. One violator failed to appear and is therefore guilty by default, however the builder has purportedly filed for bankruptcy relief.

- Attorney Dozer presented a deferred subdivision fee agreement that can be filed and recorded for each platted lot. He was requested to draft a similar document for recording deferred special assessments.

10) Village Engineer

- a) Discussion and action to approve a Certificate of Payment to J&E Construction for Pigeon Road reconstruction in the amount of \$366,526.71 – ***Beach moved to approve. Miller second. Motion carried.***
- b) Discussion and action to approve a Certificate of Payment to Badger Highway Company, Inc for 2001 asphalt paving in amount of \$2,000.00 – ***Beach moved to approve. Thomson second. Motion carried.***
- c) Discussion and action to approve a Certificate of Payment to Reliance Construction for 2001 stormwater pond construction in the amount of \$32,943.50 – ***Beach moved to approve. Miller second. Motion carried.***
- d) Discussion and action to approve a change order reducing the Castle and Knight Drive sewer extension by \$1,200 – ***Beach moved to approve. Barribeau second. Motion carried.***
- e) Discussion and action to approve a change order reducing the 2001 storm water pond construction by \$9,324.00 – ***Beach moved to approve. Barribeau second. Motion carried.***

11) Village Coordinator

- a) Discussion and action to approve continuing to market recyclable materials with the East Shore Consortium and Superior Services – See above action.
- b) Discussion and action to approve collection of recyclable materials with Superior Services – See above action.
- c) Discussion and action to approve the purchase of a replacement dishwasher for the Community Center – See above action.
- d) Discussion and action to approve the building inspection service contract with Paul S. Hermes, LLC – ***Miller moved to approve the contract as presented by the attorney. Laux second. Motion carried.***
- e) Discussion and action regarding Legion Park baseball diamond improvements Dave Van Elzen and Dave Goeser – ***Van Lieshout was directed to examine the 2002 TIF budget to see if money was available to develop a softball playing field at the Wannick Park site.***

- f) Discussion and action regarding leasing space to St. John Sacred Heart Athletic Association – ***Barribeau moved to approve leasing the gym for use by St. John/ Sacred Heart Athletic at the same terms as the past lease. Miller second. Motion carried.***
- g) Discussion and action to approve an oversized culvert extension for Lot 8 Nature Haven Estates – ***Barribeau moved to approve. Miller second. Motion carried.***
- h) Discussion and action to accept the improvements to State Park Estates II & III – ***Barribeau moved to accept. Thomson second. Motion carried.***
- i) Discussion and action to accept the improvements to Lakeshore Estates II & III – ***Barribeau moved to accept. Thomson second. Motion carried.***
- j) Discussion and action to approve the placement of “No Parking” signs in front of wells 5 & 6 – ***Miller moved to approve. Barribeau second. Motion carried.***
- k) Discussion and action to renumber State Park Road in the plat of Lakeshore Estates West – See above discussion.
- l) Discussion regarding an amendment to the subdivision ordinance requiring parkland dedication and cash in lieu of dedication – In response to an inquiry from Beach, Dozer stated that the Village will have some discretion over the land selected by a developer for conveyance in that if such land is unacceptable the Village would have the option to accept cash in lieu of property. *Van Lieshout and Dozer were directed to proceed to draft the amendment.*
- m) Discussion regarding the outline for shared labor policy – *Van Lieshout was directed to proceed to develop a policy.*
- n) Discussion regarding Village welcome signs – Van Lieshout reported that permits will be needed before signs can be installed in the town right of way. Laux inquired whether the signs can be installed within the Village limits. Van Lieshout stated that the sign would not be in compliance with zoning code and the Village would need to seek an exception. *He was instructed to look into acquiring the appropriate easements to locate the sign within the village limits.*
- o) 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 – ***Miller made a motion to move into closed session per the statute at 9:35 p.m. Barribeau second. Motion carried.***

The meeting was resumed in open session at 10:05 p.m.

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

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

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes January 28, 2002

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

Present

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

Absent

Lynn Milheiser

Others Present

Steven Dozer, Attorney
David Wagner, Financial Advisor
Josh Van Lieshout, Coordinator
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: *Beach moved to approve the minutes of the January 14, 2002 meeting. Laux second.* The following corrections were noted:

Page 3, Agenda item 7) Report of the Utility Commission 1) Action Items a) Recommended approval to drill a test well on High Cliff Golf Course property. Village Engineer reported that written permission to drill test well has been obtained – Beach stated he was in favor of negotiating a price for the property ~~contingent upon a positive test result~~ before the test was made.

Page 4, Agenda item 8) Report of Village Officers a) President i) Discussion and action to approve payment of sewer backup claim of John Price – Beach requested that the Board set a policy before paying this claim. A policy would cover this and future claims of this type.

Page 4, Agenda item 9) Village Attorney c) Discussion and action to approve proposing a new fire [protection] contract to the Town of Harrison – The attorney was directed to send an open record request to the Town of Harrison for budget and financial records regarding fire department services and the cost apportionment thereof before forwarding the contract. The Board would then have the information available to negotiate the fire protection contract. The coordinator will send the new contract to the town for negotiation.

Motion to approve the minutes with the above corrections and additions carried.

- 5) Registered citizen comments on agenda items: None
6) Report of Village Officers
a) President: No report
b) Clerk/Treasurer
i) Disbursement Reports and Financial Reports: The budget comparison, balance sheet and disbursement reports were accepted as presented. Maxymek reported that

approximately \$7,140 in over 2001 budget items were presented for disbursement. She also reported \$5,900 in revenues over 2001 budget. ***Barribeau moved to approve the disbursements. Laux seconded. Motion carried.*** Barribeau asked if the Village Engineer is setting and checking all culvert grades. Van Lieshout answered in the affirmative, stating that the expense was offset by the collection of \$201 as part of building permit cost.

ii) Discussion and action regarding a solicitation from Heart of the Valley Chamber of Commerce: *The Clerk/Treasurer was directed to disburse a donation of \$25 to the Heart of the Valley Chamber of Commerce Fun Night event.*

iii) Discussion and action to approve sponsoring a dog vaccination clinic in 2002: Maxymek reported that in the previous two years declining numbers of Village residents brought their pets to the clinic. In 2001 four dogs owned by Sherwood residents were vaccinated and licensed. Although High Cliff Veterinarian is willing to continue donating time for the clinic they have expressed some discomfort because insufficient time and resources were available during the clinic to properly examine the animals. Dozer inquired whether there is a hold harmless agreement protecting the Village in case of adverse affects due to the vaccinations. The clerk responded that there has been no such agreement. ***Miller moved to discontinue the pet vaccination clinic in 2002. Thomson second. Motion carried.***

7) Financial Advisor

a) Discussion and action to approve Resolution 01-02 Authorizing the Issuance and Sale of Up to \$1,210,650 Water and Sewer Revenue Bonds, Series 2002, and Providing for Other Details and Covenants with Respect Thereto: Dave Wagner, Ehlers Associates, presented information regarding the last portion of a borrowing program begun in 1998, a Clean Water Fund Water and Sewer Revenue Bond. The borrowed funds will be repaid at a 2.75% interest on a 19-year schedule. Wagner reviewed the Utility Debt Coverage Calculation report and Utility Debt Cash Flow Calculation report, concluding that the Utility generated adequate net income and cash flow to secure note payment provided that TIF revenues are appropriated as planned to fund 100% of this debt. He then briefly described strategies for spending down TIF proceeds and transferring fund balance, if remaining, to fund non-TIF capital projects. ***Barribeau moved to approve Resolution 01-02 authorizing the issuance and sale of up to \$1,210,650 of water and sewer revenue bonds as presented. Laux seconded. Motion carried following a roll call vote with Barribeau, Beach, Laux, Miller, Muchowski, Thomson casting votes in favor. Opposed none. No abstentions.***

Wagner led a short discussion about the current status of the Governor's plan for budget reform, concluding that many changes are anticipated before final reforms are passed. He pointed out that if shared revenue is cut, the loss would be approximately 4.5% of budget and less impacting than in most other municipalities.

8) Village Attorney

a) Discussion and action regarding the special assessment policy for public improvements:
Nothing to report.

- Dozer reported that a letter has been sent to Wausau Insurance asking for reconsideration of the Price sewer back-up claim.
- Presented draft resolution concerning payment or reimbursement of administrative cost. Dozer expanded the original resolution to provide for payment or reimbursement to the Village as a result of any project, development, rezoning or other administrative or governmental action.
- Prepared document to record deferred special assessments. Assessments that were deferred in the past may be recorded as well for a cost of \$12.00 per recording. The recording fees will be recoverable.
- Presented letter sent to Department of Justice requesting assistance in removing signs along the highway right-of-way.
- An open record request was sent to Town of Harrison requesting budgetary and financial information relating to fire department and fire protection and valuation of protected property. A response is anticipated in about two weeks.
- Received a call from an attorney with the Department of Transportation in regard to removal of signs from roadways. In general these signs [weight loss, earn money at home] are put up by out of state businesses who are difficult to track down. The DOT attorney considers this a problem that merits attention at the state level.
- Beach inquired if there is a way in which the Village can recover cost if damage were done to facilities. Van Lieshout reported that a deposit of \$25 is collected before facilities can be used. Dozer stated that more extensive damages could be recovered through litigation.
- *The attorney and coordinator were instructed to bring to the upcoming agenda the following items for action:*
 - Amendment to Ordinance #55 pertaining to driveways, culverts and ditch maintenance.
 - Amendment to Ordinance #52 Nuisance Ordinance pertaining to interim billing for garbage and refuse service.
 - A resolution pertaining to payment or reimbursement of administrative costs.
 - A resolution to a charge late payment charge greater than the statutory 5%.

9) Village Engineer: No report.

10) Village Coordinator

- a) Discussion and action regarding the assignment of addresses on State Park Road in the plat of Lakeshore Estates West: Van Lieshout reviewed several options for resolving address number conflicts. He concluded that the best option would be to officially name the unnamed court [known as State Park Court]. This would remove the conflict in three of the four problem addresses. To resolve the remaining conflict it will be necessary to ask the county to renumber one address that is outside of the Village. The address was numbered defectively many years ago. *The Board directed Van Lieshout to work with Duane Klessig at the county to work out a resolution to the address conflicts that they created. The Village is willing to name the unnamed court if needed.*
- b) Discussion and action to waive the gym rental fee for CPR courses offered by the First Responders: ***Barribeau moved to waive the gym rental fee for the First Responders offered CPR courses. Miller second. Motion carried.***
- c) Discussion regarding locating a new baseball diamond in Wannick Choate Park – Van Lieshout reported that the PRUT Board would meet on February 7, for discussion and action regarding locating a baseball diamond in Wannick Park. He estimated minimum project costs would be \$57,000, and that a fund balance of \$59,000 would be available if current cost projections for budgeted projects are expended. Thomson pointed out that it was unlikely that a new ball diamond could be completed for play this year. Van Lieshout was asked to talk to Dave Van Elzen encouraging him to complete the re-grading of the Community Park field. Discussion followed whether the need for two ball fields existed. Miller opined that Community Park should be maintained as a family activity park and the TIF park should be developed for soccer, football, baseball type activities.
- d) Discussion and action to approve a certificate for payment to Advance Construction in the amount of \$22,211.01 for work completed to date on Meadowcliff Estates Sanitary Sewer and Water Main Construction: Van Lieshout reported that, although some punch list item were yet to be completed, payment for these items and a retainage amount was held from this payment. A final payment will be made after the remaining work is completed and inspected. ***Barribeau moved to approve the certified payment. Thomson second. Motion carried.***
- e) 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

- Discussion regarding correspondence with Doug Freund. The Village has been plowing the Freund driveway for many years. Van Lieshout agreed to continue plowing and bill accordingly because, although the Village does not have a road right-of-way to the property, a fire hydrant is positioned at the end of the driveway and is plowed out as well. Dozer stated that research should be done to clarify when and why the hydrant was installed and further stated it was likely that the Village/Utility is responsible to keep the hydrant clear and available for use. *It was the consensus, at Dozer's suggestion, that the*

status of this and any other hydrants that are not situated on public property should be referred to the Utility Commission for clarification. The Village Board should be advised of findings.

- ***Miller made a motion to move into closed session per State Statute 19.85(1)(c) as stated in the above statute reference at 8:20 p.m. Laux second. Motion carried***
- ***Miller moved to return to open session at 8:32 p.m. Thomson second. Motion carried.***

12) Adjournment: Barribeau moved to adjourn at 8:34 p.m. Thomson second. Motion carried.

Minutes respectfully presented for approval by Ellen Maxymek, Clerk/Treasurer.

Village Board Meeting Minutes

February 11, 2002

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

Present

Bill Barribeau

Joe Beach

Joyce Laux

Dave Miller

Michele Muchowski

Carl Thomson, arr. 7:05p.m.

Absent

Lynn Milheiser

Others Present

Steve 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. Laux second. Motion carried.*
- 4) Approval of Minutes: *Barribeau moved to approve the minutes of January 28, 2002 Beach second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Sheila Sonnenberg, W4719 Windsor Court, stated that she has not yet been billed for reimbursement of attorney fees necessitated by her application for a culvert ... Dozer will see to it that the charges are broken out so that they can be billed.
- 6) Public Hearing regarding amendments proposed to Ordinance 55 regulating driveways, culverts, and ditch maintenance: Having made three calls for public comment and hearing none Miller closed the public hearing. *Beach moved to approve the first reading of amendments to Ordinance #55. Laux second. Motion carried.*
- 7) Public Hearing regarding amendments proposed to Ordinance 52, regulating nuisances: Having made three calls for public comment and hearing none Miller closed the public hearing. Dozer reported the addition of Section 8. Refuse which states "The Village or its refuse contractor shall provide receptacles for refuse collection. The costs for the receptacle shall be charged against the real estate as a special charge." *Laux moved to approve the amendment to Ordinance #52. Beach second. Motion carried.*
- 8) Consent Agenda
- a) Action to approve operator's license renewal application of Dawn M. Buczek: *Laux moved to approve the license application. Muchowski second. Motion carried.*
- 9) Approval of the Plan Commission Report: No action was required.
- 1) For Information Only**
- a) Discussed draft amendment to Subdivision Ordinance #38 inserting language requiring parkland development fees: Attorney comments regarding the amendment draft were reviewed.

10) Approval of the PRUT Board Report:

1) Action Items: *Barribeau moved to approve the following changes to the TIF Park Master Plan. Laux second. Motion carried.*

- a) Recommend approval of changes to the TIF Park Master Plan as follows:
 - i) Remove BMX course
 - ii) Construct baseball diamond
 - iii) Move and extend parking area to accommodate additional parking including handicapped parking.
 - iv) Consider feasibility of sled hill using fill currently stored on-site

In response to an inquiry from Beach, Van Lieshout stated that it is unlikely that the budget will permit building additional parking and a sled hill within the TIF spend-out period unless other projects come in under budget.

2) For Information Only

- a) Discussed ramifications of parkland development fees and impact fees under consideration as amendment to Subdivision Ordinance #38

- b) Jack, Zietlow, Doughman to coordinate monument selection and placement at Schneider Park. American Legion post is willing to fund the memorial, plaque and coordinate the installation ceremony.

11) Report of Village Officers

- a) President: No report
- b) Clerk/Treasurer
 - i) Disbursement and Financial Reports – Vouchers for over 2001 budget invoices were submitted for approval. ***Barribeau moved to approve over budget invoices in the approximate amount of \$560. Miller second. Motion carried.*** In reviewing disbursements Laux noted that the IRS approved mileage rate has risen to \$0.365. The financial reports were accepted as presented.
 - ii) Review/approve request by David Petrie to forgive payment of developer reimbursement for engineering fees: The Petrie request was discussed. No action was taken. Rosenbeck stated he would correspond with Petrie, outlining the specific type of service, and time frame of the services.
 - iii) Discussion regarding 2002 Board of Review Training Session: The Clerk stated that two members of the Board of Review must be certified or recertified this year.
 - iv) Discussion and action to approve payment of the fire protection bill to the Town of Harrison: ***Miller moved to approve payment of \$16,000 of the invoice for 2002 fire protection services per the service contract now in effect. Laux second. Motion carried.*** Attorney Dozer stated that no response was received to his request for open records information in regard to a new

fire protection service contract. Nor has a response been received to numerous calls to the town's attorney this regard.

12) Village Attorney

- a) Discussion and action to approve Resolution 02-01 concerning payment or reimbursement of administrative costs incurred by the Village: ***Laux moved to approve Resolution No. 02-01. Thomson second. Motion carried.***
- b) Discussion and action to approve amending Nuisance Ordinance 52 requiring payment of garbage collection fees: Action recorded above.
- c) Discussion and action approve Resolution 02-02 placing an interest rate greater than five percent on all past due accounts receivable owed the Village: ***Laux moved to approve Resolution No. 02-02, setting interest rate at 18% per year compounded annually on all outstanding bills, obligations or accounts receivable owed to the Village. Miller second. Motion carried.***
- d) Discussion and action to amend Ordinance 55, requiring the posting of a security for proper driveway curb cuts and culvert installation: Action recorded above.

13) Village Engineer

- a) Discussion and action to approve Change Order No. 2 adding \$1,554.50 to Castle Drive and Knight Drive Water Main and Sanitary Sewer Construction Project for work related to unexpected conflicts with existing sewer service laterals, and water mains: ***Barribeau moved to approve the change order. Laux second. Motion carried.***
- b) Discussion and action to approve a Certificate of Payment No. 2 to Donald Hietpas and Sons, Inc. in the amount of \$1,408.65 for completion of the Fox Lane to Sunset Lake Court Water Loop Construction Project: ***Barribeau moved to approve payment of the certificate. Laux second. Motion carried.***
- c) Discussion and action to approve to approve Certificate of Payment No. 1 to Feaker & Sons, Inc. in the amount of \$63,570.00: ***Barribeau moved to approve payment of the certificate. Laux second. Motion carried.***
- d) Discussion and approval of engineering service contracts for 2002 Paving Program, Phase 1 and Phase 2: Barribeau move to approve engineering contracts for the 2002 Paving Program in amounts totaling \$44,500. ***Laux second. Motion carried.***
- e) Discussion and action to approve engineering services contracts for the bidding construction of Wannick Park Pavilion: ***Barribeau moved to approve an engineering contract in the amount of \$1,950. Miller second. Motion carried.*** Rosenbeck indicated that he had not previously learned of plans to build a ball diamond, additional parking, and sled hill so additional cost may be involved in the bidding, site plan, and construction oversight. Discussion also occurred regarding a road extension through the park/school site.

- f) Discussion and action to approve engineering services contract for design and contract services for storm sewer construction in Bridle Road, Forest Lane, et. al: The Trustees preferred to delay action on this item until after a Preliminary Resolution, Engineers Report, and Public Hearing on the project take place.

14) Village Coordinator

- a) Discussion and action regarding the assignment of addresses on State Park Road in the plat of Lakeshore Estates West: Van Lieshout reported that Len Van Ness, Calumet County Planning, will renumber the duplicate number N7904 in the Town of Harrison while the Village will name the unnamed cul-de-sac now known as State Park Court and will amend the Lakeshore Estates West subdivision plat.
- b) Discussion regarding locating a new baseball diamond in Wannick Choate Park: Action recorded above.
- c) Discussion and action to approve payment of \$44,478 to Packer City International Trucks, Inc. for the cab and chassis, engine warranty, registration and title:
Barribeau moved to approve payment of \$44,478 to Packer City International. Beach second. Motion carried.
- d) Discussion and action to approve a reimbursement payment to Harrison First Responders in the amount of \$2,003.40 for six Onyx Pulse Oximeters and cases.
Barribeau moved to approve payment of \$2003.40 to Harrison First Responders as budgeted. Laux second. Motion carried.
- e) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Closed session was not required.

Dozer presented Van Lieshout's performance review. Established goals will be reviewed in October. Discussion followed. Development of a five year roads plan to be completed by the end of 2002 was added to the goals.

15) Presentation of correspondence, resolutions, and related matters

- Van Lieshout included a copy of the Facility Use Policy for review. Barribeau asked that the policy be clarified to read "The rental fee shall be \$10/hour if less than 3.5 hours, or \$35 per day."
- Beach asked Van Lieshout for a report on fire hydrants located on private property.
- Answering Barribeau, Dozer stated that the emergency numbering signs could be distributed at the polls on Election Day.

- Miller asked if the Village is making progress on purchasing Eckers property for constructing a detention pond. Van Lieshout responded that Jim Eckers is not interested in selling property.

13) Adjournment: ***Barribeau moved to adjourn at 8:25 p.m. Thomson second. Motion carried.***

Minutes respectfully submitted for approval by Ellen Maxymek, Clerk

Village Board Meeting Minutes

February 25, 2002

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

Present

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

Absent

Michele Muchowski

Others Present

Steve Dozer, Attorney
Roger Teske, Engineer
Paul Hermes, Building Inspector
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. Thomson second.*** Beach requested that approval of minutes be suspended until the next meeting. ***Motion carried.***
- 4) Approval of Minutes February 11, 2002: Postponed to next meeting.
- 5) Registered citizen comments on agenda items
- Bill Mitchell, W4958 Golf Course Road, re. agenda item 7 (b). Mitchell presented photos depicting quantities of standing water on his property. He reported that storm water is running onto his property from the higher elevation of neighboring Lemerond property. Ditch drainage was not constructed on Niagara Court to convey water out to Golf Course Road. Additionally, the ditch system on Golf Course Road is not carrying runoff away from property and on downstream. Van Lieshout reported that Ordinance #55 obligates property owners to maintain ditches in a manner that will convey runoff away from the properties. In a neighborhood meeting regarding ditch maintenance in 2001 the property owners failed to come to an agreement regarding this problem and did not clear out their ditches.

The Village Engineers were instructed to determine the grades in the problem areas of Niagara Court and Golf Course Road but have not had time to plot the grades and determine a solution. Engineer Teske reported that it appears when Golf Course Road is reconstructed in 2002 it should alleviate some of the problem. However the trustees directed Diedrick to arrange for a backhoe to trench a ditch as an immediate, albeit temporary solution. Milheiser verified that the cost of the trenching will be borne by the Village.

Beach asked if it is fair that the Village will pay for this remedy while other areas ie. Bridle Road, Blackcherry Court, Forest Lane etc. will be assessed for a drainage system improvement project. Miller stated that the current situation should be handled as an emergency. Beach stated the Board needs to be fair and consistent in administering its ordinances and policies.

- 6) Consent Agenda
 - a) Action to approve operator's license renewal application of Ellen M. Schuh – ***Milheiser moved to approve the renewal application. Thomson second. Motion carried.***

- 7) Report of Village Officers
 - a) President
 - i) Discussion and Action to appoint a new member to the Plan Commission for the seat vacated by Bob Berghuis beginning in April 2002 – Van Lieshout reported that two persons have submitted their names for consideration. He was directed to obtain short bios from these persons. An appointment will be acted on at a future meeting.
 - b) Trustees Milheiser and Thompson: Discussion and action to resolve the drainage issues between Lots 87 and 88, High Cliff Recreation Plat No. 2 – Noted above.
 - c) Clerk/Treasurer
 - i) Disbursement and Financial Reports – Laux questioned a disbursement for a trapping expenditure. Van Lieshout explained that Sacred Heart School became concerned when a racoon was seen lurking around the school grounds. The Constable was alerted and called the trapper in. Attorney Dozer stated that when a nocturnal animal appears during the day the Sheriff Department will get rid of the animal on the assumption that it is rabid. Reports accepted as presented.

- 8) Village Attorney
 - a) Second Reading to approve amendment to Nuisance Ordinance Number 52 requiring payment of garbage collection fees – ***Beach moved to approve amended Ordinance #52. Barribeau second. Motion carried.***
 - b) Second reading to approve amendment to Ordinance Number 55, requiring the posting of a security for proper driveway curb cuts and culvert installation – ***Thomson moved to approve amended Ordinance #55. Beach second. Motion carried.***
 - Sonnenberg bill is being calculated and will be forwarded to the Village office for reimbursement billing.
 - Dozer has heard nothing from Wausau Insurance in regard to Price sewer backup claim.
 - Town of Harrison called saying that they were compiling records pertaining to fire protection services in response to his open record request.
 - Barb Byrd, DOT, contacted Dozer say that the Department of Agriculture, Trade & Consumer Protection has been going after the herbal medicine companies who are posting many of the nuisance signs in this and other communities on the basis

that they are falsely advertising. The Winnebago County District Attorney is involved since a major distributor of these products operates from that county. Dozer asked that the Village Board advise if it wants him to pursue the matter further.

- In response to Dozer's inquiry, Van Lieshout reported that Les Stumpf has provided substantive evidence of remediation of his contaminated private well.
- Dozer cautioned that to avoid liability issues, Village owned fire hydrants on private property should be maintained in full functioning order with an easement for maintenance or they should be vacated.
- Beach asked if there is anything that the Village can do to insure that new construction in older subdivisions without drainage plans does not cause run-off detrimental to established properties. Dozer responded that a property owner could sue the party whose run-off is affecting his property. In response to a question from Laux, Van Lieshout answered that there are very few buildable lots outside of planning controlled subdivisions.

9) Village Engineer – No report.

10) Village Coordinator

- a) Discussion and action approve an Resolution 02-03 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, as Amended for the Installation of Storm Sewer System and Grading of Ditches – Barribeau reported that affected property owners have contacted him on both sides of the drainage system project issue. Those who have run-off problems are happy that the project is going forward. Others want storm sewers to run the other side of the street thinking that they wouldn't be assessed. Van Lieshout stated that the storms sewers will be constructed down the middle of the street and those abutting on both sides of the street will be assessed 30% of the cost according to the Assessment Policy. In cases where ditches are constructed, abutting property owners will be billed according to the Driveway/Culvert/Ditch Ordinance ***Laux moved to approve Preliminary Resolution 02-03. Milheiser second. Motion carried.***

11) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reported that Connie Deiner has submitted her resignation and the Finance Clerk position has been posted.
- Diedrick reported that in two cases stop/yield signs are obscured by tree branches. Dozer stated that these are known as "vision corners" and correction is addressed in the Nuisance Ordinance. He said that when public safety issues call for it vision obstructions should be trimmed or removed. Courtesy letters should be sent stating that the tree must be trimmed or the Village will be forced to remediate.

- Van Lieshout was instructed to contact the pastor at Christ the King Church for permission to place “Welcome to the Village” signs on church property at the south end of the Village.

12) Adjournment – Laux moved to adjourn at 7:45 p.m. Barribeau second. Motion carried.

Minutes respectfully submitted by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

March 11, 2002

- 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 6:53
Carl Thomson

Absent

Dave Miller

Others Present

Steven 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. Milheiser second. Motion carried.*

- 4) Approval of Minutes - *Barribeau moved to approve the minutes of February 11, 2002. Beach second. Motion carried. Barribeau moved to approve the minutes of February 25, 2002. Beach second. Motion carried.*

- 5) Registered citizen comments on agenda items

- Tom Jack, W4843 Escarpment Terrace, thanked the Board for the Village donation to the First Responders. The donation was used to purchase oxymeter equipment used to measure blood oxygen levels and heart rate. The oxymeters are expected to be used on 95% of First Responder calls particularly in cases involving head injuries, strokes, and seizures.
- George, Darlene, Renee Diana, and Stu Armstrong, N7904 State Park Rd., Menasha, regarding agenda item 7) d). The parties questioned whether the extension of Natures Way Drive under consideration as part of the concept plan for Lakeshore Estates West II has merit. Mrs. Diana stated that the eventual extension of the road would take over their property which is in Town of Harrison.
- Robert Wittmann, W5146 Natures Way Dr., regarding agenda item 7) d).
- Tom Schuler, 2711 N. Mason St., Appleton, regarding agenda item 7) d).

- 6) Consent Agenda

- a) Action to approve an operator's license application for Steve D. Schink – *Laux moved the application for operator's license. Beach second. Milheiser abstained. Motion carried.*

- 7) Approval the Plan Commission Report

1) Action Items

- a. Recommended approval of a map amendment proposed by Christ the King Lutheran Church to rezone a parcel of land from C2 to R-1 located in the West ½ of Section 32 Town 20N Range 19 E for the purpose of constructing a church – Public Hearing required. No action at this time.

- b. Recommended approval of a text amendment proposed by the Village of Sherwood Plan Commission to Amend Section 3-1(3)(c)(b)(4) and 3-1(3)(c)(d)(1) reducing the permitted number of multi-family dwellings per structure in the R-3 and R-4 as principle and conditional uses for the purpose of further implementing the 2000 Comprehensive Land Use Plan – Public Hearing required. No action at this time.
- c. Recommended approval of an amendment to Ordinance Number 38 inserting language requiring parkland development fees – Public Hearing required. No action at this time.
- d. Recommended approval of a concept plan brought forth by Lakeshore Estates Ltd. for Lakeshore Estates West II – Van Lieshout stated that a concept plan was originally brought forward by Lakeshore Estates Ltd. for a proposed subdivision, Lakeshore Estates West II. The Plan Commission declined that concept, stating that it did not reflect the objectives of the adopted Land Use Plan. A second proposal was reviewed at a meeting with the Village Engineer, Code Administrator and Developers. Additional changes were made and the current plan is more reflective of provisions laid out in the Land Use Plan, particularly in the extension of Natures Way Drive and a proposed through street running off of Natures Way and exiting onto State Park Road through property to be annexed to the Village. Van Lieshout noted, in regard to the Diana family concerns expressed above, that the Village has never to his knowledge taken over land to build its roads. The concept plan calls for creating a temporary turn around at the end of Natures Way Drive where it will abut the Diana property until such time as Diana decides to subdivide his property. At that time the road could further be extended by the sub-divider or developer to intersect with State Park Road. Engineer Rosenbeck pointed out that the Village has an approved transportation plan which has long called for an east-west corridor (conceptually designated as an extension of Natures Way Drive) which would move traffic through the Village.

Diana stated that the purpose of extending Natures Way Drive is to divert traffic from State Park Road and asked if this is in the best interest of the Village. He stated that he doesn't know if he would sell his property in the future as one parcel or for the purpose of subdividing. Is the future of his property out of his control, he asked, once the concept plan [with the street extension as described] is approved? Dozer explained that the Village has the authority to acquire property by exercising eminent domain, compensating the owner for the fair market value of the property. If this would improve the value of the property then the Village would receive a credit for that value. However, he reiterated, the Village has not in the past exercised the right of eminent domain and is not at this time intending to do so in the future. Diana has the right to retain his property as it is now, or to develop it or sell it for development; however, the Village is making

it known that if in the future the property is annexed to the Village and subdivided it would want Natures Way Drive to extend through to State Park Road. In the meantime the road will end as a turnaround that abuts the Diana property. Diana asked if ever property was acquired for improvements, would the Village pay for the improvements. Dozer stated that in such an event the improvement would be assessed to the improved property owner/s. Rosenbeck restated that the Village is exercising its responsibility to plan for orderly future growth. It is not trying to force any action on the Diana family. ***Barribeau moved to approve the Lakeshore Estates West II concept plan. A cul-de-sac at the western-most edge of the Natures Way Drive as it abuts the eastern edge of the George Diana property is to be platted on the subdivision preliminary plat. Laux second.*** Beach stated he would like to see a squared off intersection in the proposed plan of Natures Way Drive and State Park Road. ***Motion carried.***

- e. Recommended that the Village Board take action to pursue purchase of parcels for the purpose of downtown development – Van Lieshout reported that Plan Commission proposed to investigate the purchase of the Condon Oil property and the house behind it in the downtown area that are now on the market. Responding to an inquiry from Beach, Van Lieshout stated that the comprehensive planning process included discussion of the use of such land to relocate Harrison Street and close the Clifton Road intersection at Hwy 114. Other uses for such property if acquired would be determined by a detailed downtown planning process. Beach stated that, considering upcoming budget restraints, he could not approve such an acquisition without a referendum by the voters. In response to Laux, Van Lieshout stated that the asking price on both properties totals \$179,000 and could be financed by borrowing following the retirement of \$200,000 in debt in 2002. ***Barribeau moved to approve pursuing feasibility of property purchase. Thomson second. Motion carried. Beach opposed.***

2) For Information Only

- a. Expressed preference for locating “Welcome to Sherwood” sign on the north-west end of the Village and within the Village limits

8) Approval of the Utility Commission Report

1. Action Item

- a. Recommended approval to transfer 120,000 from Cash Balance to Capital Equipment for the purpose of replacing the High Cliff Lift Station – ***Barribeau moved to approve the transfer. Milheiser second. Motion carried.***

9) Report of Village Officers

- a) President
- b) Clerk/Treasurer

- i) Disbursement and Financial Reports – ***Laux moved to accept the financial reports. Milheiser second.*** Maxymek reported that the 2001 audit has been completed and the accountants are compiling the annual PSC report for transmission by April 1 and the state financial report by May 15. Adjusting and closing journal entries have been received and will be entered shortly. After that the 2002 balance sheets will be generated. ***Motion carried.***

10) Village Attorney

- a) Discussion and action to raise per diems for Village Board Members from \$35 to \$40 – Dozer reported that he was contacted in regard to increasing the board per diems. He stated that increases constituting salary can be voted upon at any time, however increases cannot take effect until current terms of office are completed. Therefore increases can take effect for those trustees who are elected in April 2002 or they can be postponed until all terms have been completed in 2003. ***Barribeau moved to increase per diems by \$5.00 to take effect after the elections of 2003. Milheiser second. Motion carried. Beach opposed.***
- b) Discussion and action regarding fire protection dues and a revised fire protection agreement between Sherwood and Harrison – Dozer reported that a response has been received from the Town of Harrison to an open records request for information pertinent to fire protection services. The Village received a notice from the town stating that fire protection service will be discontinued unless balance of payment is received by March 31, 2002. Dozer has spoken to the town’s attorney who stated that service will not be suspended until the matter can be reviewed. There is no evidence that a contract for service has been agreed to by the Village since the 1994 service year when the agreement was for \$16,000. Although a contract for service has not been negotiated the Village has paid an annual bill for service which increased from \$15,000 in 1993 to \$53,995 in 2000 and 2001. \$16,000 of the \$53,995 billed for 2002 has been paid.

It appears that the \$53,995 billed beginning in 2000 was based on 22% of \$245,000 in budgeted expense. The 22% factor was the Sherwood portion of the combined equalized value of the Town of Harrison, the Village of Sherwood and a portion of the E.V. of Town of Woodville. In the past two years the correlation of the Village’s payments to expenditures does not appear to be substantiated by the financial information provided. The Village has not been credited for actual expenditures when they totaled to less than the budgeted amount, nor has the Village received any accounting for what appear to be payment of disproportionate shares in the cost of the service. Dozer is requesting additional information needed for clarification of the charges. He will return the matter for review as that information is made available.

11) Village Engineer

- a) Discussion and action to reallocate \$430,000 of TIF funds for the replacement of High Cliff Lift Station in lieu of developing an additional water supply source – Van Lieshout reported that the Utility Commission is asking the Board to redirect \$430,000 in TIF budgeted spending, originally allocated for drilling a new water supply to replacing the High Cliff Lift Station. The Utility Commission has

approved the redirecting of \$120,000 additional from its undesignated cash balance to fund the project. He reported that testing at a number of likely sand and gravel sites has determined that sufficient quantity of potable water, not requiring extensive treatment, was not found. Rosenbeck reported that by the time the current inventory of platted lots is built on the Lift Station will have to be rebuilt to handle the additional sewerage. If not rebuilt the present lift station will have to be abandoned within ten years, due to old age.

Rosenbeck stated he believes that the \$430,000 TIF portion of the project budget, if the reallocation is approved, can be completed and paid by the end of September. However, it is unlikely that the entire project will completed by the deadline. The additional \$120,000 of anticipated project cost could be funded by a cash transfer from the Sewer Utility and then reimbursed to the Utility through an escrow agent out of tax increment revenue. Rosenbeck said that he is prepared to certify that the lift station project is 100% TIF reimbursable. In the alternative the additional could be paid outright by the Sewer Utility without reimbursement at the discretion of the Board. ***Barribeau moved to approve the reallocation of \$430,000 of TIF budget to the High Cliff Lift Station project per the recommendation of the Village Engineer. Milheiser second. Motion carried.***

- b) Discussion and action to approve an agreement with McMahon Associates, Inc. for design and construction related services for High Cliff Lift Station – ***Milheiser moved to approve. Barribeau second. Motion carried.***
- c) Discussion and action to approve an agreement with McMahon Associates, Inc. for design and construction related services for a baseball diamond in Wannick Choate Park – ***Beach moved to approve. Barribeau second. Motion carried. Milheiser opposed.***
 - In response to a question from Beach, Rosenbeck stated that no headway has been made on acquiring property from Jim Eckers for purposes of constructing a detention pond.

12) Village Coordinator

- a) Discussion regarding emergency number on State Park Road – Van Lieshout reported that the County Planning and Zoning Committee should take action in the near future on his proposal to resolve address numbering conflicts on State Park Road. He sees no way to affect a resolution without some party/ies being disgruntled.
- b) Discussion and action regarding a petition for representation – Van Lieshout reported receipt of a letter and petition of election for representation by a Union-AFSCME, AFL CIO from the Wisconsin Employment Relations Board. The approximate number of employees in the claimed unit is stated as six with the Village Coordinator excluded from a total seven employees. Van Lieshout pointed out, however, that the Utility Commission is the employer of two of the counted employees and their eligibility is a matter for the Commission attention. Laux stated her opposition to the Utility and Village being considered as one

employer since they operate independently. The Clerk Treasurer as an officer of the Village is an excluded employee. The Village employees eligible for the election for representation are the Public Works Supervisor, Public Works Laborer, and the Finance Clerk. The Board has the ability to object to eligibility if it chooses. Diedrick stated that the hourly employees are desirous of having legal representation in bargaining with the Board in terms of negotiating a contract. He said it his understanding that the employees would vote to select a Union. The Union would then decide whether it would or would not represent. ***Milheiser moved to forward the unopposed petition for representation to the Wisconsin Employment Relations Commission. Beach second. Motion carried. Laux and Muchowski opposed.***

- c) Discussion and action regarding the adoption of an ordinance to require commercial facilities to install a lock-box – ***Milheiser moved to take no action to adopt an ordinance to require commercial facilities to install lock-boxes. Laux seconded.*** Milheiser stated that she believes business owners would oppose the idea of non-owners having access to their property. Thomson questioned whether the idea has applicability in this Village. ***Motion carried.***
- d) Discussion and action to approve Amended Resolution 02-03 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, as Amended for the Installation of Storm Sewer System and Grading of Ditches – Van Lieshout reported that the resolution which was approved at the prior meeting should be amended to better define the assessment district. ***Laux moved to approve. Barribeau second. Motion carried with Milheiser opposed.***

13) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reported a call from a Rocksbury Court resident commending the efforts of the snowplow operators.
- Milheiser noted complimentary comments by Mrs. Bennin on the Public Works personnel who cleaned up a problem with her ditch.
- Diedrick reported that trenching to drain flooding on the Mitchell property is scheduled but has been delayed due to a Utility emergency in the area.
- Discussion regarding reallocating of storm water detention budget.
- Milheiser and Barribeau requested that ditch maintenance issues on the Bennin and Mitchell properties be placed on a subsequent agenda for discussion/action.

14) Adjournment – Barribeau moved to adjourn at 9:00 p.m. Thomson second. Motion carried.

Minutes respectfully submitted by Ellen Maxymek, Clerk

Village Board Meeting Minutes March 25, 2002

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

Present

Bill Barribeau
Joe Beach
Joyce Laux
Dave Miller
Carl Thomson

Absent

Lynn Milheiser
Michele Muchowski, Excused

Others Present

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Thomson second. Motion carried.***
- 4) Approval of Minutes – Minutes not available.
- 5) Registered citizen comments on agenda items
- 6) Public Hearing: Regarding Special Assessments for Public Improvements in the Village of Sherwood for the installation of Storm Sewer and Ditching.
- Dick Stewart, W4859 Forest Lane, reported that his sump pump runs frequently to remove run-off. He is anxious about volume of storm water which does not drain adequately. He expressed confidence in the Village Engineers assessment of the problem and viable solutions.
 - Bob Christianson, W4897 Golf Course Road, stated his property is not affected by water problems. It is his observation that the project grade is inadequate to bring about resolution. He stated it is not right that property owners on Sunset Lake Court will not have the opportunity to share in the cost of the project.
 - Mike Cook, N7770 Palisades Trail, stated he doesn't have a water problem and that the project should be undertaken with TIF funds since he says, the drainage system is an extension of the storm water detention ponds which is funded by TIF. He believes this is a Village-wide problem and cost should be bourn by all property owners. If the \$60,000 project cost were divided between all 700 taxpayers the cost would be about \$8.50 per year for the approximate 10 years remaining in the TIF to each taxpayer. He would like to see the project designed to run storm sewer along west side of Palisades Trail to cause lest impact to property. Cook requested notification in the event that this assessment project is the subject of future meetings.
 - Paul Sturm, N7760 Palisades Trail, stated that he does not have a water problem and doesn't want to pay for improvements that benefit others.

- Carla Althaus, N4885 Golf Course Road, stated that she does have a water problem and that the Village did not properly fix a pipe located at her corner.
- Tim Koll, W4890 Bridle Road, stated he has about 2 feet of water in his ditch all spring since his property is at the bottom of a hill and receives run-off from above.
- Arlene Trettin, W4851 Black Cherry Court, asked how the drainage system project will eliminate standing water in the back of property on Black Cherry Court and Bridle Road. If the project will not resolve water problems in the back of properties she can't support the cost. She believes this water is supposed to drain under the golf course, into the pond behind Questa Court. Trettin also commented that neighborhood efforts are regularly needed to keep ditches clean of overgrowth, brush and in fill. She stated that, in her opinion, drainage problems in her neighborhood are caused by development in higher ground and consequent runoff to her lower ground area.
- Harland & Kate Zietlow, W4895 Golf Course Road, likened problems in the area to the September 11 terrorist attacks in that the incident became a world-wide issue and resolution widely shared. He believes that the entire Village should share [in the cost of] a Village-wide problem.
- Gary Van Abel, W4842 Bridle Road, stated that his sump runs all the time. He is in favor of spreading the cost over the entire Village.
- Jim Danielson, address not given, asked why forty property owners should bear the cost of the project.
- Brian Muehl, W4849 Bridle Road, submitted a letter commenting on the drainage problems and possible solutions. President Miller reported receipt of this letter, made it part of the public hearing record.

Village Engineer Rosenbeck, responding to the above comments and questions, stated that in 2001 a study and report of systemic drainage problems in the areas of Black Cherry Court, Bridle Road, Forest Lane, and Palisades Trail was commissioned by the Village. The findings of that study were reviewed at an informational meeting in the fall of 2001. While it is true that prior to three years ago run-off from the Gehl property did drain into the area. However, now a storm sewer system intercepts that water and it is diverted north and runs into the Mustang Acres Detention Pond. The drainage problem in the assessment area is characterized by a lack of gradient. Measurement of the roadside ditches and culverts revealed 0 grades in large areas. One solution to the drainage problems would be to re-grade all the ditches. However, that would necessitate re-grading out ditches 3-5 feet deeper than the current depth. The alternative that is the matter under discussion is a storm sewer system that would discharge into the pond on Stommel Road. This is proposed as an underground piping system with inlets located at various locations along the route of the piping and in ditches to intercept drainage. Additionally the ditches would be re-graded to carry the

drainage to new points of entry into the storm sewer system. Although drainage of water in backyards is not a part of the project, once the infrastructure is in place we can begin to deal with other drainage issues. The project will be designed to handle storm water from less than a 10 year event. Runoff from larger events will likely cause some short term ponding until the system can accommodate the flow. Rosenbeck stated that the project will not solve the individual problems of each property owner, but we have to start somewhere and the infrastructure is the logical starting point.

The project is estimated to cost \$190,000 plus \$10,000 for contingencies totaling \$200,000. This estimate includes restoration of driveways, lawns and landscaping damaged in construction. The assessment policy, which has been in effect since the 1980s, calls for assessment of 30% of the cost, \$60,000 to properties in the assessment area. In past storm sewer projects costs have been assessed to benefited properties. 70% of the cost would be spread over the tax role as would the deferred assessment of 10 potentially developable lots. While the detention basin to which the drainage would be discharged is a TIF project, the assessment area itself is not TIF property. Rosenbeck pointed out that the information being presented is in concept form. The project design has not been done nor have bids been let. Therefore, project costs are only estimated at this time. Details as to which side of the road the storm sewer pipe would run can be worked out when the final design is rendered. Sunset Lake Court properties are not part of this assessment project. Although there may be some residual aid to those properties, by diverting some water that works its way into the ditches, the properties are not directly benefited. As to timing this project has to be done before the planned paving of Stommel Road this summer.

Miller commented that drainage problems in the assessment area have occurred for twenty-five years that he is aware of, dating back to before the High Cliff area was incorporated into the Village. Previous attempts to resolve these problems by cleaning and re-grading ditches have not been satisfactory. He also stated that the problem has been addressed because of repeated property owner complaints and in a manner that will initiate a more definitive, long term resolution. Following three calls for public comment, the hearing was closed at 7:40 p.m.

Dozer stated that the next step in the process will be to approve an engineering agreement to design and bid the project. Following that a contract award will be approved. A final resolution to assess benefited property will then be approved based on actual project costs. Rosenbeck pointed out that if assessable costs were to increase substantively another public hearing would be required. Van Lieshout stated that Cook's request for notice of future Board action will be accommodated.

- 7) Public Hearing: Regarding a map amendment proposed by Christ the King Lutheran Church to rezone a parcel of land from C2 to R-1 located in the West ½ of Section 32 Town 20N Range 19 E for the purpose of constructing a church – Having made three calls for public comment and hearing none, Miller closed the public hearing at 7:50 p.m.

Barribeau moved to approve a map amendment proposed by Christ the King Lutheran Church to rezone a parcel of land from C2 to R-1 located in the West ½ of Section 32 Town 20N Range 19 E for the purpose of constructing a church. Thomson second. Motion carried.

- 8) Public Hearing: Regarding a proposed amendment to section 3-1(3)(c)(b)(4) and 3-1(3)(c)(d)(1) reducing the principally permitted number of multi-family dwellings per structure in the R-3 zoning district from 8 units per structure or less to 3 units per structure or less. In the R-4 zoning district as principle permitted uses from 12 units per structure or less to 4 units per structure or less. As a conditional use in the R-3 zoning district from 9-12 units per structure to 4-6 units pre structure. As a conditional use in the R-4 District from 13-24 units per structure to 5-10 units per structure.
- Nick Grode, W5481 Mielke Road, Menasha, asked if the primary effect of the proposed amendment was to reduce the size of multi-family structures. Van Lieshout responded in the affirmative. He stated that presently five or six multi-family zoned properties could potentially be impacted by this amendment. Here-to-fore undeveloped multi-family zoned property known as Meadowcliff Estates would also be impacted.
 - Sharon Williams, W4847 Black Cherry Court, representing Meadowcliff Condominium Owners Association, expressed concern that the condos would become non-conforming if the amendment is passed. Her concern is that in the event of a fire the condos can be rebuilt in their present conformation. Van Lieshout stated that in the event of a catastrophe they would be able to rebuild, since the Condo structures are zoned R-4 and are fewer than 10 units per structure, but would be subject to approval of a conditional use grant by the Plan Commission. There is an exemption that allows rebuilding of such structures [without conditional use permit] so long as 50% of the structure is not lost. The High Cliff Condo property would be similarly affected.
 - Nola Feldkamp, Manager Sherwood Cliffs Apartments, Inc., W450 Clifton Road, state in her letter her understanding that the property is now and would continue to be a legal, non-conforming structure under the proposed amendment. Van Lieshout reported that Feldkamp's understanding is correct that there is not a change in the Apartments status.

Van Lieshout reported that commercial zoning districts could be created in the event that future special purposes warrant. Special institutional districts, for instance, could be created to accommodate future needs.

Beach stated he believes potentially affected property owners should be notified of possible consequences of the zoning change, ie. rebuilding of more than 50% of destroyed properties would need a conditional use permit in order to rebuild the structure as before. He stated that there would be delays and additional cost in rebuilding due to the need for approval of conditional permit. He stated that in the past property owners have been given the opportunity to be rezoned to a more accommodating district before approval of amendment. Van Lieshout stated

amendments to the zoning ordinance can be inserted to create zoning districts to forestall the issues anticipated by Beach.

Following three calls for public comment the hearing was closed at 8:10 p.m.

Barribeau moved to approve an amendment to section 3-1(3)(c)(b)(4) and 3-1(3)(c)(d)(1) reducing the principally permitted number of multi-family dwellings per structure in the R-3 zoning district from 8 units per structure or less to 3 units per structure or less. In the R-4 zoning district as principle permitted uses from 12 units per structure or less to 4 units per structure or less. As a conditional use in the R-3 zoning district from 9-12 units per structure to 4-6 units pre structure. As a conditional use in the R-4 District from 13-24 units per structure to 5-10 units per structure. Thomson second. Motion carried. Beach opposed.

- 9) Public Hearing: Regarding a proposed amendment to the Subdivision Ordinance replacing Section 8, requiring the conveyance of park land or cash in lieu of parkland.
- Nick Grode, W5481 Mielke Road, Menasha, asked what this amendment means. Van Lieshout stated that the amendment will enable the Village to charge impact fees to developers for parkland and development. The amendment was requested by the Plan Commission to enable to the Village to raise funds to purchase or construct park development. The amendment is constructed to set a formula for calculating impact fees or land contribution. The acceptance of land is at the discretion of the Village.

Following three calls for public comment, Miller announced the hearing closed at 8:16 p.m.

Beach moved to approve amendment to the Subdivision Ordinance replacing Section 8, requiring the conveyance of park land or cash in lieu of parkland. Laux second. Motion carried.

- 10) Report of the Utility Commission – ***Laux moved to approve the Utility Commission report. Barribeau second. Motion carried.***

1. Action Items

- a. Recommended approval of 2001 private well permit for N465 Lorraine
- b. Recommended action to approve 2001 Compliance Maintenance Annual Report of Waste Water Treatment Plant
- c. Recommended adoption of CMAR Resolution certifying review of 2001 Compliance Maintenance Annual Report

2. For Information Only

- a. Tabled discussion regarding sewer rate review services. Directed Coordinator to contact Public Service Commission for information regarding review/establishment of sewer rate
- b. Tabled discussion regarding employee eligibility to vote for representation by Wisconsin Council 40, AFSCME, AFL-CIO.

Directed Coordinator to draft letter objecting to eligibility of Utility Technician to vote in election.

- c. Approved construction of Main Lift Station enclosure
- d. Recommended action to approve utility laterals to Christ the King Lutheran Church

11) Report of Village Officers

- a) President
- b) Clerk/Treasurer
 - i) Disbursement and Financial Reports – Disbursement report, balance sheet, and budget comparison reports were presented and accepted.
 - ii) Final Amendment 2001 Budget – Final 2001 budget comparison report was presented. **Miller moved to approve a final amendment to the 2001 budget to increase all negative revenue and expenditure budgets items to balance to actual. Laux second. Motion carried.**

12) Village Attorney – Nothing to report.

13) Village Engineer – Nothing to report.

14) Village Coordinator

- a) Discussion regarding emergency number on State Park Road – Van Lieshout reported that Calumet County Planning & Zoning will give the courtesy of a response to Town of Harrison objection to renumbering emergency numbers within the Town. Lakeshore Estates Ltd. will draft documents naming the unnamed court at the Village limits to Jerek Court.
- b) Discussion and action to approve the installation of a “No Outlet” sign on Edgewater Drive – Van Lieshout explained that Michael Rieder, Edgewater Court, requested the Village post “No Outlet” at the intersection of State Park Road and Edgewater Drive warning that Edgewater Drive and Court are not through streets. **Barribeau moved to approve the posting of signs. Laux second. Motion carried.**
- c) Discussion and action to approve the 2001 CMAR Report – **Barribeau moved to approve the 2001 Compliance Maintenance Annual Report. Laux second. Motion carried.**
- d) Discussion and action to adopt the CMAR resolution certifying to the WDNR review of the Compliance Maintenance Annual Report – **Barribeau moved to approve Compliance Maintenance Resolution informing the DNR that the Village Board has reviewed and approved the 2001 CMAR report and agreed to take required actions and steps to maintain WPDES permit.**
- e) Discussion and action to amend the Zoning Map of the Village of Sherwood, rezoning property owned by Christ the King Lutheran Church from C2 to R-1 for

the purpose of a church, this use conforms with the 2000 Land Use Plan – Action recorded above.

- f) Discussion and action to amend section 3-1(3)(c)(b)(4) and 3-1(3)(c)(d)(1) reducing the principally permitted number of multi-family dwellings per structure in the R-3 from 8 units per structure or less to 3 units per structure or less. In the R-4 zoning district as principle permitted uses from 12 units per structure or less to 4 units per structure or less. As a conditional use in the R-3 zoning district from 9-12 units per structure to 4-6 units per structure. As a conditional use in the R-4 District from 13-24 units per structure to 5-10 units per structure. Discussion and action to approve an amendment to Ordinance Number 38 inserting language requiring park land development fees – Action recorded above.
 - g) Discussion and action to amend the Subdivision Ordinance replacing Section 8 requiring the conveyance of park land or cash in lieu of parkland fees – Action recorded above.
 - h) Discussion and action to waive the zoning amendment and conditional use permit application fees for Christ the King Lutheran Church – Dozer reported that there is no provision in the zoning ordinance for fee waiver. However, Van Lieshout reported, in the recent past a donation matching the fee amount was paid in a similar situation [application by St. John/Sacred Heart for rezoning and conditional use to create lighted football field]. ***Barribeau moved to require payment of application fees and to return a like amount as a donation to the applicant. Miller second. Motion carried. Laux opposed.***
- 15) 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.
- 16) 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.
- 17) Presentation of correspondence, resolutions, and related matters
- Responding to Miller, Van Lieshout reported that emergency signs are being picked up and installed. He will bring forward an implementation plan in April.
 - Diedrick reported that Krepline Excavatng will be trenching the Mitchell property beginning next week per Board action. He stated that the Bennin property on Stumpf Ave. also needs ditch excavation. He was directed to obtain a bid and proceed as necessary. Dozer cautioned that a signed release should be obtained before any digging on private property.

- Maxymek reported that in the interest of timely publication the newsletter was taken to the printer.

Miller made a motion to move into closed session per State Statute 19.85(1)(c) and (g) as stated at 8:43p.m. Barribeau second. Motion carried. The Clerk and Coordinator were excused from closed session.

18) Adjournment – ***Thomson moved to adjourn at 9:40 p.m. Barribeau second. Motion carried.***

Minutes respectfully submitted for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

April 22, 2002

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:35 p.m. Roll was called.

Present

Bill Barribeau
Joe Beach
Joyce Laux
Carl Thomson

Absent

Lynn Milheiser
Dave Miller
Michele Muchowski

Others Present

Steve Dozer, Attorney
Josh Van Lieshout
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 move to approve the minutes of March 11, 2002, March 25, 2002 and April 8, 2002. Thomson second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Dave Breckheimer, N503 Military Road, asked if any new information was available regarding the Village request for information from Town of Harrison on fire protection services. Attorney Dozer stated that he has not received a response following his specific request for more information.
- 6) Consent Agenda
- a) Action to approve operator's license application of Christopher M. Schlies – *Barribeau moved to approve. Thomson second. Motion carried.*
- 7) Report of the Utility Commission
- 1. Action Items**
 - i) Approved a pump station control system design and programming contract with McMahan Associates, Inc. – *Barribeau moved to approve the McMahan Agreement for Professional Services #M0032-920013 for design of Lift Station #3 Control Panel in the amount of \$9,000 with additional time and expense estimated at \$3,000 for start-up and checkout services and training. Beach second. Motion carried.*
 - 2. Discussion Items**
 - i) Discussed sewer user, unit, and connection rates, the Utility Commission is going to review this matter later in the fiscal year as it is not part of the 2002 Budget.
 - ii) Discussed at length the possibility of objecting to the eligibility of Gary Hess to vote for representation by Wisconsin Council 40, AFSCME, AFL-CIO. This discussion led into discussion regarding the overall organization and management structure of the sewer and water utilities. No decision was made;

the Commissioners are seeking further information on the division of management between the Coordinator and Sewer Operator.

- iii) Took no action to reverse a prior approval of sewer and water laterals to Christ the King Lutheran Church and request sewer and water main extensions instead.
 - iv) Approved reimbursement of \$612.50 to Bob Anderson, N7829 S. Niagara Ct. for expenses incurred as a result of a sewer lateral collapse
- 8) Report of Village Officers
- a) President - None
 - b) Clerk/Treasurer
 - i) Disbursement and Financial Reports – Reports presented by Maxymek. Questions were answered and the reports were accepted.
- 9) Village Attorney – None
- 10) Village Engineer – None
- 11) Village Coordinator
- a) Discussion regarding emergency number on State Park Road – Van Lieshout reported that Len Vanness of Calumet County Planning Department is in agreement that the County needs to proceed with a plan to correct the numbering system. Van Lieshout will continue to facilitate the plan including naming of a cul-de-sac at the outer limits of the Village. Lakeshore Estates Ltd. will take the initiative in modifying the recorded plat of Lakeshore Estates West to name the cul-de-sac.
 - b) Discussion regarding a request for an ordinance prohibiting the use of “jake” or compression brakes in Sherwood – Van Lieshout reported that John Hocks, Village resident and officer of the Calumet County Sheriff Department, has asked that the trustees consider creating an ordinance prohibiting the practice of “jake” braking by trucks within Village limits. Dozer questioned whether the operation of trucks housed by the County in it’s Sherwood garage facility would be impeded. He also questioned whether such ordinance should impose fines in the event of infractions. Thomson opined that posting of signs at the entrances to the Village would be sufficient deterrent. Following discussion it was the consensus that the Coordinator will gather model ordinances and return the matter for further discussion/action.
 - c) Discussion regarding an agreement for conditionally accepting improvements of Lakeshore Estates IV – Van Lieshout reported that the developers of Lakeshore Estates IV have requested conditional acceptance of subdivision improvements and that building permits be issued, presumably to facilitate sale of lots. He stated that he developed an agreement between the Village and the developers which formats time lines for completion of improvements and specifies terms for conditional acceptance. Barribeau asked if there is any advantage to the Village in

entering such an agreement. Van Lieshout responded in the negative. Barribeau stated that the only advantage he could envision is an early increase in the tax base due to home building improvements. Dozer was asked to review the agreement and return it with comments for further discussion/action.

- d) Discussion and action to credit for Lakeshore Estates Ltd. storm water management fee for storm sewer oversizing in Lakeshore Estates IV – Van Lieshout reported that Jeff Rustick, Lakeshore Estates IV Engineer, has presented a request for a credit in the amount of \$11,290. for over-sizing of storm sewer piping and installation of additional piping to accommodate the Village’s storm sewer system improvements in the Pigeon Road reconstruction project. This credit can be given against the storm water management fees due on the development or, Van Lieshout suggested, as a direct reimbursement for over-sizing. He stated that the Subdivision Ordinance allows for over-sizing credits and that the request has been reviewed by the Village Engineer who has no objection to the payment/credit. ***Laux moved to table the discussion until more information is available. Thomson second. Motion carried.***
- e) Discussion and action to adopt a Preliminary Assessment Resolution for 2002 street paving, curb and gutter installation, storm sewer installation, and sanitary sewer and water main installation in the Village of Sherwood – ***Beach moved to adopt Resolution No. 02-04, A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, As Amended. Laux second. Motion carried.***

12) Presentation of correspondence, resolutions, and related matters

- Van Lieshout correspondence to Rosemary Kazik, Boy Scout Troop 104, Kaukauna, outlining a project to distribute emergency numbering signs in the Village.
- Notice of meeting of Calumet County Emergency Management Department, April 30, 2002, 7:00 p.m., County Courthouse Room 017.
- Notice of Heart of the Valley Chamber of Commerce ‘Meet Your Local Legislators’ Breakfast Meeting, May 3, 2002, 7:30 to 8:45 a.m., F & M Bank, Kaukauna.
- Correspondence from WI DNR re. nomination for Tree City USA recognition.
- Correspondence from WI Department of Revenue reporting adjustments to 2002 equalized value.
- Responding to a question from Barribeau, Van Lieshout reported that ditch clean out work done in conjunction with the 2002 Drainage System Project will not be charged back to Sunset Lake Court properties.
- Thomson stated he thinks the ‘Welcome to Sherwood’ signs at the entrances to the Village should be put up without further delay.

13) Adjournment – ***Barribeau moved to adjourn at 7:29 p.m. Thomson second. Motion carried.***

Minutes respectfully presented for approval by Ellen Maxymek, Clerk.

Village Board Meeting Minutes April 8, 2002

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

Present

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

Absent

Lynn Milheiser

Others Present

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

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Thomson second. Motion carried.*
- 4) Approval of Minutes – No minutes were available.
- 5) Registered citizen comments on agenda items
- Dave Goeser, W4869 Spring Hill Drive, re. 10) b).
 - Dave Breckheimer, N503 Military Road, re. fire protection.
 - Warren Schneider, N7759 Palisades Trail, re. 10) c).
 - George Diana, N7904 State Park Road, Menasha, re. 10) a).
- 6) Consent Agenda
- a) Action to approve operator’s license renewal application of Casey Jacob Renn – *Laux move to approve license issuance. Thomson second. Motion carried.*
- 7) Report of Village Officers
- a) President
- b) Clerk/Treasurer
- i) Disbursement and Financial Reports – Disbursement report was presented and accepted.
- 8) Village Attorney
- Dozer reported that he has sent correspondence to Town of Harrison detailing additional documentation pertaining to fire protection on an open record request. Dave Breckheimer asked if the Village Board intended to obtain fire protection service from another source. Dozer responded in the negative, stating that the Board had charged him with obtaining the information from the town so they can properly review the basis for the charges for services.
 - Dozer stated that a 60 day review of the Coordinator plan for implementing the emergency numbering system is due. He noted that the Coordinator will present the plan later in the meeting.

9) Village Engineer – No report

10) Village Coordinator

- a) Discussion regarding emergency number on State Park Road – Van Lieshout presented a letter from Leann Buboltz, Administrative Coordinator, on behalf of the Town Board of the Town of Harrison. That Board decided that the George Diana address should remain unchanged. Mr. Diana was present stating that he was not willing to undergo an address change and that there are other properties on State Park Road which would be affected by readdressing. Dozer informed Diana that he should address his concerns to Len Van Ness, Calumet County Planning & Zoning Department. He stated that the County applies address numbers according to a grid system and they are in the position to rectify the mis-numbering.
- b) Discussion and action to approve request of funds for a temporary Little League infield and outfield fence at Wannick Park – Dave Goeser requested that the Village fund equipment to convert the north soccer field at Wannick Park for use as a temporary Little League practice field. Items needed include outfield fencing and stakes, port-o-potties, backstop fencing, bleachers and picnic tables (to be transported from present location in Legion Park). Barribeau stated that snow fencing could likely be borrowed from the County Highway Department for the outfield fence. Tom Doughman, Chair PRUT Board, stated in a letter offered in his absence that he can supervise students in a community service project to install the snow fencing. ***Barribeau moved to approve the request for temporary outfitting and equipping. Thomson second. Motion carried.***
- c) Discussion and action regarding the acceptance of a proposed quit claim deed from the estate of Francis J. Schneider – Warren Schneider requested that the Village accept a small triangle of property abutting Lot 9 of Cliffwood Estates II and Questa Court to expedite the estate settlement. ***Miller moved to approve Village acceptance of the quit claim deed. Laux second.*** Beach noted that this will put the Village in the position of being assessed for improvements to the roadway. ***Motion carried.***
- d) Discussion and action to approve an agreement with McMahon Associates for professional services for design, bidding, construction, and onsite resident services for the construction of a storm sewer system – ***Barribeau moved to approve the agreement with McMahon Associates in the amount of \$21,500. Laux second. Motion carried.***
- e) Discussion and approval of a proclamation to name April 26, Arbor Day – Dozer reported that no action was required. Proclamations are normally made by presidential signature.
- f) Second Reading to amend the Zoning Map of the Village of Sherwood, rezoning property owned by Christ the King Lutheran Church from C2 to R-1 for the purpose of a church, this use conforms with the 2000 Land Use Plan – ***Barribeau moved to approve. Thomson second. Motion carried.***

g) Second Reading to amend section 3-1(3)(c)(b)(4) and 3-1(3)(c)(d)(1) reducing the principally permitted number of multi-family dwellings per structure in the R-3 from 8 units per structure or less to 3 units per structure or less. In the R-4 zoning district as principle permitted uses from 12 units per structure or less to 4 units per structure or less. As a conditional use in the R-3 zoning district from 9-12 units per structure to 4-6 units per structure. As a conditional use in the R-4 District from 13-24 units per structure to 5-10 units per structure – ***Barribeau moved to approve. Laux second.*** Beach stated that property owners who could be affected by the ordinance change should be notified of the ways in which this change might affect them particularly in the event of fire or natural disaster. Dozer reported that, as required by statute, published and posted notice of public hearing on the matter had been made, as well as individual notices to property owners who might be affected. The public hearing took place at the last meeting, and some of those owners were present with questions and comments. At that time the code administrator informed that in the event disaster destroyed more than 50% of a given multi-family structure the structure could be rebuilt by application for a conditional use or by creation of a new zoning district which would allow rebuilding the structure to its former state. Following lengthy discussion a vote was called and ***motion carried with Beach opposed.***

h) Second Reading to amend the Subdivision Ordinance replacing Section 8 requiring the conveyance of parkland or cash in lieu of parkland – ***Barribeau moved to approve. Miller second. Motion carried.***

11) Presentation of correspondence, resolutions, and related matters

- Laux stated she has noticed that the County is apparently preparing for its Military Road repaving project. She asked if the County would be replacing driveway aprons at the request of property owners. Barribeau noted that the County will not do work on private property. Van Lieshout stated that if the Village were to undertake a project to lower and replace sidewalks affected property owners would be subject to special assessment.
- Van Lieshout outlined his implementation plan for distribution and installation of street identification numbers.

12) Adjournment – ***Barribeau moved to adjourn at 8:05 p.m. Thomson second. Motion carried.***

Minutes respectfully submitted by Ellen Maxymek, Village Clerk

Village Board Organizational Meeting Agenda

April 22, 2002 Time: 6:30 p.m.

Village of Sherwood Community Center

- 1) Call to Order and Roll Call
- 2) Pledge of Allegiance
- 3) Registered citizen comments on agenda items
- 4) Review/Approval of Rules of the Village Board
- 5) Election of Vice-President
- 6) Village Board Appointments
 - a) Accountant – Virchow, Krause & Company
 - b) Village Assessor – Associated Appraisal Consultants
 - c) Village Building Inspector – Paul Hermes, All States Inspections
 - d) Village Clerk/Treasurer – Ellen Maxymek
 - e) Village Engineer – McMahan & Associates
 - f) Village Attorney – McCarthy, Curry, Wydeven, Peeters & Haack
 - g) Village Zoning Code Administrator – Joshua Van Lieshout
 - h) Weed Commissioner – Gerald Maynard
 - i) Official Publication – Post Crescent
- 7) Appointments by Village President
 - a) Plan Commission/Citizen Member (1) 3 year term ending April 2005 – Harland Zietlow
 - b) Plan Commission/Chair PRUT Board (1) 1 year term ending April 2003 – Current Chair Tom Doughman
 - c) Board of Appeals/Citizen Member (2) 3 year term ending April 2005 – Currently seated, David Clifton & Joe Beach
- 8) Consideration/Elections by Village Board
 - a) Plan Commission/Trustee Member (1) 1 Year term ending April 2003 by simple majority vote – Currently seated Bill Barribeau
 - b) PRUT Board/Trustee Member (1) 1 year term ending April 2003 – Currently seated, Carl Thomson
 - c) PRUT Board/Plan Commission Member (1) 1 year term ending April 2003 – Currently seated, Tom Doughman
 - d) PRUT Board/Citizen Member (3) 3 year term ending April 2005 – Currently seated Tom Jack, Lee Fredericks, Wendy Mitchell
- 9) Designations by Village President
 - a) Board of Appeals Chair – Current Chair, Kate Zietlow
 - b) Board of Appeals Alternates – #1 Current Gary Flak, #2 Current John Broeren
- 10) Presentation of correspondence, resolutions, and related matters
- 11) Adjournment

Welcome to the Village Board Meeting!

To assist the Board in conducting its business, we asks that you observe the following:

1. Please register to speak on the sign-in sheet on the table in the back of the room as you enter.
2. Please speak only to issues on the agenda.
3. Please limit your presentation to three (3) minutes.
4. Please do not address the Trustees during their deliberations unless requested to do so.

Village Board Organizational Meeting Minutes
April 22, 2002

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 7:30 p.m. Roll was called.

Present

Bill Barribeau
Joe Beach
Joyce Laux
Carl Thomson

Absent

Lynn Milheiser
Dave Miller
Michele Muchowski

Others Present

Steve Dozer, Attorney
Josh Van Lieshout
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
3) Registered citizen comments on agenda items – None
4) Review/Approval of Rules of the Village Board – *Barribeau moved to approve the Rules of the Village Board without change. Laux second. Motion carried.*
5) Election of Vice-President – *Barribeau moved to nominate and elect Joyce Laux Vice President of The Village Board. Thomson second. Motion carried.*
6) Village Board Appointments
a) Accountant – Virchow, Krause & Company
b) Village Assessor – Associated Appraisal Consultants
c) Village Building Inspector – Paul Hermes, All States Inspections
d) Village Clerk/Treasurer – Ellen Maxymek
e) Village Engineer – McMahan & Associates
f) Village Attorney – McCarty, Curry, Wydeven, Peeters & Haak
g) Village Zoning Code Administrator – Joshua Van Lieshout
h) Weed Commissioner – Gerald Maynard
i) Official Publication – Post Crescent

Barribeau moved to approve appointments listed 6(a) through 6(i). Thomson second. Motion carried.

- 7) Appointments by Village President
a) Plan Commission/Citizen Member (1) 3 year term ending April 2005 – Harland Zietlow
b) Plan Commission/Chair PRUT Board (1) 1 year term ending April 2003 – Current Chair Tom Doughman
c) Board of Appeals/Citizen Member (2) 3 year term ending April 2005 – Currently seated, David Clifton & Joe Beach – Beach declined appointment.

Barribeau moved to approve appointments listed 7(a) and 7(b). Thomson second. Motion carried. Item 7(c) will be returned for nomination and appointment.

- 8) Consideration/Elections by Village Board
 - a) Plan Commission/Trustee Member (1) 1 year term ending April 2003 by simple majority vote – Currently seated Bill Barribeau
 - b) PRUT Board/Trustee Member (1) 1 year term ending April 2003 – Currently seated, Carl Thomson
 - c) PRUT Board/Plan Commission Member (1) 1 year term ending April 2003 – Currently seated, Tom Doughman
 - d) PRUT Board/Citizen Member (3) 3 year term ending April 2005 – Currently seated Tom Jack, Lee Fredericks, Wendy Mitchell

Laux moved to approve appointments listed 8(a) through 8(d). Barribeau second. Motion carried.

- 9) Designations by Village President – Trustees preferred to postpone action until President Miller was present.
 - a) Board of Appeals Chair – Current Chair, Kate Zietlow
 - b) Board of Appeals Alternates – #1 Current Gary Flak, #2 Current John Broeren
- 10) Presentation of correspondence, resolutions, and related matters
 - Dozer thanked the Board for their appointment of his firm, McCarty, Curry, Wydeven, Peeters & Haak, LLP as Village Attorneys and urged the trustees to contact the firm with any concerns or comments regarding their representation.
- 11) Adjournment – ***Barribeau moved to adjourn the meeting at 7:42 p.m. Thomson second. Motion carried.***

Village Board Meeting Minutes May 28, 2002

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:40 p.m. Roll call as follows:

Present

Joe Beach
Joyce Laux
Dave Miller
Carl Thomson

Absent

Bill Barribeau - Excused
Lynn Milheiser - Excused
Michele Muchowski

Others Present

Steve Dozer, Attorney
Lee Reibold, Engineer
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Beach moved to approve the agenda. Laux second. Motion carried.*
- 4) Approval of Minutes – *Thomson moved to approve the minutes of May 13, 2002. Laux second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Robert Wittmann, W5146 Natures Way Drive, agenda item 12)c)
- 6) Public Hearing on Special Assessments for Public Improvements in the Village of Sherwood
- Warren Schneider, N7759 Palisades Trail, regarding assessments to Windswept Shores II lots, stated that the standard for curb and gutter in subdivisions was upgraded subsequent to recently completed construction of his subdivision. He is concerned that the infrastructure he installed a few months earlier will be ripped up to install curb and gutter for which he will be assessed again. Schneider requested credits to offset his development costs to grade ditches and install underground drainage system. Van Lieshout stated that the subdivision ordinance was amended in January 2002 to require curb and gutter for all new road construction. When it was decided to completely reconstruct State Park Road it made little sense to rebuild the road to a lower standard than that required for new roads.
 - Mike Krueger, Questa Court, re. assessments for curb and gutter installation in Windswept Shores II, questioned why the complete cost is nearly double current bids for curb and gutter. Engineer Reibold stated that the total assessment rate includes not only the contract bid, but also the costs of engineering, restoration behind the curb, unrecovered corner lot credits and contingency factor. Reibold stated the breakdown of the assessment rate is available in the Village office for review.
 - Tony Mueller, W599 Veterans Avenue, commented that the Village should pay the additional costs listed above, not the taxpayer. Stated that he didn't think curb and gutter construction on Castle Drive would hold up because much of the abutting property is wetland.
 - Scott Kallsen, N7785 State Park Road, asked why the assessment rate increased from the initial rate notification. Van Lieshout reported that the earlier rate was based on the engineer's estimate while the second rate was based on actual bid. Kallsen also reported a serious drainage problem at the Windswept Lane lot frontages. Van Lieshout assured

Kallsen that errors or miscalculations on the preliminary assessment roll will be corrected before the final assessment is billed. Kallsen asked why other properties that will benefit from the new storm sewer system on State Park Road are not assessed. Van Lieshout responded that the special assessment policy states that only abutting property owners will be directly assessed at 30% of the construction cost. The remaining 70% is borne by the entire tax base. Van Lieshout stated that ditches along Windswept Lane will be regraded as well as paved which will correct drainage deficiencies along the Windswept Lane frontage of Kallsen's lot.

- Blaine Eckstein, Lot 72 Lakeside Court, asked if he will be assessed for his Lakeside Court frontage as well as the State Park Road paving abutting his corner lot. Van Lieshout answered that, at a later date when Lakeside Court is paved, he will receive a credit for the frontage.
- Scott Michels, Wisco Wash of Brillion, asked why curb and gutter is being installed on the south side of Castle Drive which fronts undeveloped, largely agricultural property. Van Lieshout reported that because the Castle Drive street improvements are funded by TIF financing which must be spent by September of this year, it is deemed beneficial to make the improvements at this time. The car wash property, which has 335 feet of Castle Drive frontage, is zoned commercial, not agriculture. The entire parcel is improved and therefore assessable. Property to the west of the car wash which is zoned ag will receive a deferred assessment. Michels stated that his company paved the portion of Knight Drive that fronts the business for the benefit of their customers and requested a credit for the asphalt. Van Lieshout questioned why the business owners would pave a Village Road without a developer's agreement and stated that the Village has the responsibility to maintain its roadway to its defined specifications. Michels complained about the Knight Drive road cut made last winter when sewer/water extensions were put in. Reibold stated that the road cut would be repaired with new paving.
- Jerry Michels, Wisco Wash of Brillion, complained that Knight Drive was torn up in November [during sewer and water extension and lift station closure] and water was shut off. He stated that the construction caused disruption to their business.
- Mike Lefebvre, consultant to Sherwood Forest Ltd., stated that the Sherwood Forest Golf Village redevelopment agreement states that first course road paving is to be paid by the Village and requested that all base course paving be struck from the assessment roll. Van Lieshout stated that investigation of the redevelopment agreement has determined that first layer paving of Robinhood Way, Robinhood Court, and Allendale Court should not be assessed.
- Doug DeVries, N531 Robinhood Drive, asked how problem areas of Robinhood Drive will be handled. Van Lieshout reported that the areas of settled pavement will be cut out, gravel will be added and compacted, and a new two-inch base course of asphalt will be applied before the final layer is laid down.
- Tim Peter, N510 Robinhood Way, asked the Board to reconsider the planned paving of Robinhood Drive because the abutting lots are not fully built. Van Lieshout explained that the first asphalt layer was applied in 1998. Since the road is now more than 85%

occupied it will be paved this year according to road paving policy. He reiterated the need to make TIF project expenditures by this fall. Answering Peter, Van Lieshout reported that a final special assessment resolution notice and billing will be sent after completion of the projects and when the final rate is determined.

- Tom Huss, N7871 State Park Road, questioned why State Park Road should be paved at this time when Lakeshore Estates West is not fully developed. Van Lieshout reported that the base layer that was laid by the developer did not hold up. Therefore the surface was milled off and left to settle over the winter. The Board has decided to pave the new first layer and special assess the abutting property owners according to policy. Huss also stated that the public needs to be educated to the fact that a direct route to the State Park is Pigeon Road. Additional signage to direct park traffic to Pigeon Road is also needed.
- Laura Jordan, Lot 30 N7992 Lakebreeze Drive, stated that it was her understanding that she would receive a corner lot credit for the paving of the Palmer Court frontage of her lot. In 2000 she paid the assessment for the final layer paving of Lakebreeze and believed the assessment policy would provide credits against the Palmer Court paving. In addition Jordan was dismayed that her property would be assessed for Palmer Court curb & gutter drainage system because that street is in the Fairway Estates subdivision while her lot is in State Park Estates. She also asked why some streets are assessed for a first layer and other are not. Van Lieshout explained that the policy provides for a credit for the shorter of two sides of a corner lot. In Jordan's situation her property was not assessed for a first layer on Lakebreeze Drive but was assessed for the final layer. He further stated that the first layer of the Palmer Court frontage will be assessed this year. However, when the final layer is assessed she will receive the credit and will be assessed only the difference between the Palmer Court and Lakebreeze Drive frontages if the Palmer frontage is greater. Jordan then complained about drainage from Palmer Court and Reibold reported that curb and gutter construction on Palmer should resolve these drainage issues.
- Jamie Voster, Lot # 32 N7974 Lakebreeze Drive, stated that he also lives on a corner lot and has the same issue as Jordan. He stated that the assessment policy should be changed.
- Ronald Wenzel, Windswept Lane, reported that the developer of his plat told property owners that the Village paid for first layer road construction. He asked if his plat would be grand-fathered under the old policy. Dozer replied that subsequent to revision of the special assessment policy all assessments are governed by the revised policy unless there is a separate developer agreement stating otherwise.
- Les Stumpf, N465 Lorraine Court, read a prepared statement that is attached herein and made a part of the minutes.
- Rollie Stephenson, N7797 Lakeshore Drive, commented that he personally appreciates the rural look in Sherwood but that most of his neighbors prefer curb and gutter construction. He does not have a water problem now and hopes that a problem does not develop after the State Park Road reconstruction is completed. He stated a need to get the drainage down to the creek done right.

Following three calls for comment the public hearing was closed at 8:20 p.m.

- 7) Consent Agenda
 - a) Operator's license application of Zachary M. Sevela
 - b) Operator's license application of Joy Tengsdal
 - c) Operator's license application of Mathew L. Van Thiel
 - d) Operator's license renewal of Amanda McCann
 - e) Operator's license renewal of Amanda Garrity
 - f) Operator's license renewal of Douglas R. Laux
 - g) Operator's license renewal of Kerri L. Loiselle
 - h) Operator's license renewal of Corey Feller

Miller moved to deny the application of Zachary Sevela. Beach second. Motion carried. Miller moved to approve the applications of Joy Tengsdal and Mathew Van Thiel. Laux second. Motion carried. Miller moved to approve the renewal applications of Amanda McCann, Amanda Garrity, Kerri Loiselle, Corey Fellner and Douglas Laux. Thomson second. Laux indicated her intention to abstain creating lack of a voting quorum. Miller moved to separate and consider the renewal application of Douglas R. Laux at a subsequent meeting. Beach second. Motion carried.

- 8) Report of the Utility Commission – *Laux moved to accept the recommendations of the Utility Commission in regard to Action Items a and b. Miller second. Motion carried.*
 1. **Action Items**
 - a. Recommended approval to install sewer and water laterals to Lot 1 CSM 2101.
 - b. Recommended approval of the 2002 Consumer Confidence Report (CCR).
 2. **For Information Only**
 - a. Approved unopposed eligibility of Utility Operator for voting in the election for representation by Wisconsin Council 40, AFSCME, AFL-CIO.
 - b. Directed Coordinator to respond to Thiel request regarding costs and process of annexation and utility connection.
- 9) Report of Village Officers
 - a) President
 - i) Appointments by Village President
 - (1) Board of Appeals/Citizen Member 3 year term ending April 2005 – To fill a seat being vacated by Joe Beach – No action.
 - (2) Board of Appeals/Alternate #2 – To fill an Alternate position vacated by John Broeren – No action.
 - ii) Designations by Village President
 - (1) Board of Appeals Alternates – #1 Current Gary Flak – No action.
 - b) Clerk/Treasurer
 - i) Disbursement and Financial Reports – Laux asked that discussion and action regarding the 2001 year end financial statements be brought before the Board.

- ii) Approve annual membership to the Calumet County Tourism Association & Calumet County Civic Association – The Clerk was directed to make payment of invoices to continue the memberships.

10) Village Attorney

- a) Discussion and action regarding fire protection services contract – Dozer indicated that he has had no response from the attorney for Town of Harrison. Allison Blackmer stated she has heard nothing from the attorney as well. The attorney was directed to send a certified letter to Blackmer stating past open records requests without response and offering to meet with the Town at any time.
- b) Regarding a letter from an Attorney representing Donald Schneekloth, included in the meeting packet, Dozer suggested that if permit application is directed to the Village by Mr. Wenzel it should be reviewed as any other. The Village should not be pulled into any dispute between the two parties. Responding to Beach, Van Lieshout stated that he and the engineers could not justify the extraordinary expense of installing curb and gutter

11) Village Engineer – Riebold reviewed the assessment roll vis-à-vis the special assessment policy. Riebold suggested that the first course paving of Robinhood Way, Robinhood Court, and Allendale Lane should be struck from the assessment roll and absorbed as a Village expense.

- a) Consideration and award of contract S0017-920217 2002 Paving Program
- b) Consideration and award of contract S0017-920218A Curb & Gutter & Asphalt Paving Program
- c) Consideration and award of contract S017-920218-B State Park Rd. & Windswept Lane Reconstruction

McMahon Associates recommended awarding a contract for 2002 Curb, Gutter and Asphalt program in the amount of \$190,494.50 to Northeast Asphalt, Inc.; Miscellaneous Streets & Recreation Trail to Northeast Asphalt in the amount of \$214,432; and State Park Road and Windswept Lane Reconstruction in the amount of \$156,727.79 to Badger Highways Company. ***Laux moved to approve the award recommendations of the Village Engineer. Thomson second. Motion carried.***

12) Village Coordinator

- a) Discussion regarding emergency sign numbers on State Park Road – No new information to report.
- b) Discussion and action to approve disbursement to John Price for damages resulting from a sanitary sewer backup – ***Miller moved to authorize payment of the Price claim. Thomson second. Motion carried.***
- c) Discussion and action to approve a development agreement stating conditions of acceptance of improvements to Lakeshore Estates IV – Following discussion ***Laux moved to approve the development agreement provided that calculations supporting an irrevocable letter of credit are verified by the Village Engineer. Thomson second. Motion carried.***

- d) Discussion regarding a request by Tom Boll, N7861 Rocksbury Ct. for a ditch enclosure on Rocksbury Court – Referred to Village Engineer for recommendation.

13) Presentation of correspondence, resolutions, and related matters

- Miller stated that it has come to his attention that the PRUT Board is not paid per diems for meeting attendance. He requested that the Board consider amending the ordinance which created the PRUT Board to provide for payment of per diems.
- Miller requested that his appointment of an individual to fill the Village Board vacancy created by the resignation Michele Muchowski.
- Beach asked for future discussion of possible solutions to erosion problems being experienced by Les Stumpf.
- Maxymek reported that a meeting to open and immediately adjourn the Board of Review is scheduled on June 10 at 6:15 p.m. prior to the regularly scheduled Board meeting. Open book has been scheduled on June 18, 2002. A meeting of the Board of Review to hear objections was scheduled on July 10, 2002 at 6:30 p.m.

14) Adjournment – *Beach moved to adjourn at 9:38 p.m. Thomson second. Motion carried.*

Respectfully submitted for approval by Ellen Maxymek, Clerk

Village Board Meeting Minutes May 13, 2002

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:30 p.m.

Roll Called:	Present	Absent
	Bill Barribeau	Lynn Milheiser
	Joe Beach	Michele Muchowski
	Joyce Laux – Arr. 6:36	Others Present
	Dave Miller	Tim Hebing, Attorney
	Carl Thomson	Josh Van Lieshout, Coordinator
		Ellen Maxymek, Clerk

- 2) Pledge of Allegiance

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of April 22, 2002 Village Board Meeting and Organizational Meeting. Thomson second. Motion carried.*

- 5) Registered citizen comments on agenda items

- Jack Diedrich, Box 4, Sherwood, Agenda item 10 (b). Diedrich stated that he entered a bid of \$132,145 for construction of Wannick Park Pavilion. Parsons Brothers submitted a bid of \$134,500 with an alternate bid deduction of \$7,000 if prevailing wage rates were not required; making the Parson's bid low at \$127,500. Van Lieshout stated that the Parson's Brothers deduct was a bid irregularity since bidders were informed that prevailing wage rates did not apply to this project. Alternate bids were not requested.
- Harland Zietlow, Commander, Sherwood American Legion Post, Agenda item 11 (b). Zietlow stated that the American Legion has historically maintained community flagpoles and flags. The Legion is requesting approval to install lighting at the Community Center and Recreation Center flagpoles so that flags are appropriately lighted at night.
- Bill Mitchell, N. Niagara Court, Agenda item 12. Mitchell stated that stormwater runoff is draining from neighboring properties and is standing in his yard. He has made a formal complaint that the Village is without a drainage plan in the Golf Course Road area. His yard is so wet that he cannot maintain the lawn and landscaping thus his property value is decreasing. He asked the Board to suggest solutions that will remediate the drainage problems. Van Lieshout reported that there may be some recourse in the zoning ordinance which can enforced against the offending runoff. He will research the matter more thoroughly with the Village Attorney. The Board also may want to study storm water problems in the larger area and consider a future project to resolve them.

- 6) Consent Agenda
 - a) Action to approve operator's license application of Anica M. Peeters – Regarding arrest charges which were reported in a records check, the Attorney reported that the current operator's license carries property rights, thus a public hearing is required before non-renewal. He suggested approval of the renewal application. Following disposition of the arrest charges, the Board can review the matter and consider revocation after a hearing if the applicant is found guilty of the charges.
 - b) Action to approve operator's license application of Esther A. Zahringer
 - c) Action to approve operator's license application of Thomas P. Leland
 - d) Action to approve operator's license application of Tanya M. Samoksy
Barribeau moved to approve the above operators' license applications. Beach second. Motion carried.

- 7) Report of the Plan Commission
 1. **Action Item**
 - a. Recommended a request for annexation from Marianne and Joe Thiel for referral to Utility Commission – ***Barribeau moved to refer the matter to the Utility Commission for review of issues relating to availability of water/sewer service. Laux second. Motion carried.***
 2. **For Information Only**
 - a. Approved a conditional use permit for Christ the King Lutheran Church for operation of a church located in the West ½ of Section 32, Town 20, Range 19E.
 - b. Heard introduction of a concept plan for multi-family development, Fairways at Highcliff, on Meadowcliff Estates Plat. Also heard objections from neighboring property owners.

- 8) Report of Village Officers
 - a) President
 - i) Appointments by Village President
 - (1) Board of Appeals/Citizen Member 3 year term ending April 2005 – Currently seated, David Clifton. Miller appointed David Clifton to a term of three years.
 - (2) Board of Appeals/Citizen Member 3 year term ending April 2005 – To fill a seat being vacated by Joe Beach. Miller will contact Gary Flak to fill the vacated position.
 - (3) Board of Appeals/Alternate #2 – To fill an Alternate position vacated by John Broeren. Miller will entertain suggestions to fill the position.
 - ii) Designations by Village President
 - (1) Board of Appeals Chair – Current Chair, Kate Zietlow. Miller designated Zietlow as Chair of the Board of Appeals.
 - (2) Board of Appeals Alternates – #1 Current Gary Flak. Miller will entertain suggestions to fill the position if Flak is willing to serve as a Citizen Member.
 - b) Clerk/Treasurer

- i) Disbursement and Financial Reports – Reports were presented and questions answered.
- 9) Village Attorney – No report.
- 10) Village Engineer
- a) Consideration and award of contract S011-92027.02, Lift Station #3 Reconstruction – **Miller moved to award Contract A, Reconstruction of Lift Station #3 to Miron Construction who submitted a low bid of \$349, 200; Contract B, Solids Handling Centrifugal Pumps to low bidder Crane Engineering at \$31,452; Werner Electric at \$33,828 for Variable Frequency Drives; and Total Energy Systems for Emergency Generator and Transfer Switch in the amount of \$23,875. Barribeau second. Motion carried. Beach abstained.**
 - b) Consideration and award of contract S017-91935, Wannick Park Pavilion – **Barribeau moved to award Wannick Park Pavilion construction contract to Diedrich Construction in the amount of \$132,145. Miller second. Motion carried.**
 - c) Consideration and award of contract S017-99731.02 Wannick Park Field and Parking Lot – **Barribeau moved to award contract to Westra Construction, low bidder in the amount of \$164,350. Thomson second. Motion carried.**
 - d) Consideration and award of contract S017-920217 / 920218A-B, 2002 Paving Program & State Park Rd. / Windswept Ln. Reconstruction – McMahan Associates recommended awarding a contract for 2002 Curb, Gutter and Asphalt program in the amount of \$190,494.50 to Northeast Asphalt, Inc.; Miscellaneous Streets & Recreation Trail to Northeast Asphalt in the amount of \$214,432; and State Park Road and Windswept Lane Reconstruction in the amount of \$156,727.79 to Badger Highways Company. Consideration of the awards will be taken up pending the outcome of a public hearing of special assessments on Tuesday, May 28, 2002.
- 11) Village Coordinator
- a) Discussion regarding emergency sign numbers on State Park Road – Van Lieshout reported that Tom Schuler of Lakeshore Estates Ltd. will bring documents to record the amendment of the Lakeshore Estates West Plat naming the court at the north end of the plat Jurek Court. He stated that Bob Kessler, Town of Harrison Streets Superintendent suggested renaming State Park Road within the Village limits. It was the consensus of the Board that the suggestion was impractical since it would require 40 plus properties to have addresses changed.
 - b) Discussion and action to approve installing lights at the flagpoles for the Community Center and Plaza/Recreation Center – **Barribeau moved to approve proposal from the American Legion Post to provide lights and timers at the two Village flag sites. Thomson second. Motion carried.**

- c) Discussion regarding a compression brake ordinance – Van Lieshout stated that he has not found a model ordinance which addresses penalties for infractions. It was the consensus of the Board that posting signs stating no use of “jake” brakes except in the case of emergency would be sufficient to discourage the practice.
- d) Discussion and action regarding a development agreement stating conditions of acceptance of improvements to Lakeshore Estates IV – No new information being available at this time, no action was taken.

12) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reported that he would like approval to hire Kathy Mader in the position of Finance and Utility Clerk. Kathy has been working as a temporary placement from Creative Financial Staffing and it will be necessary to buy out the temporary contract for a sum of \$4,700. Miller stated that he has met Mader and has found her to appear capable and competent. Barribeau suggested that Van Lieshout request a commitment of time from Mader to offset the cost of the buyout. The Coordinator was directed to handle the matter administratively.
- Responding to Barribeau, Van Lieshout reported that the rip-rap of State Park Estates ponds project is scheduled for bid opening on May 30 and contracts should be awarded in early June.
- Responding to Barribeau, Van Lieshout reported that fines have been collected from two builders cited for building permit violations.
- Van Lieshout stated that Corey Micholic obtained a land use permit to build an out-building on his agricultural zoned property on Clifton Road.
- Maxymek proposed that the 2002 Board of Review be convened and immediately adjourned at a meeting on June 10, 2002 which will precede the scheduled Village Board Meeting.
- Laux reported that a resident put out tires in front of neighboring properties, expecting that they would be picked up in the Spring Clean Up. He removed the tires when notified that they would not be removed without the purchase of pick-up tags from the Village office. The Clerk reported that no tags had been purchased for tires.
- Discussion regarding the placement of the “Welcome” sign at the south end of the Village.

13) Adjournment – ***Beach moved to adjourn at 8:21 p.m. Thomson second. Motion carried.***

Minutes respectfully submitted for approval by Ellen Maxymek, Clerk.

Village Board Meeting Minutes June 10, 2002

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

Present

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

Others Present

Steve Dozer, Village Attorney
Gary Rosenbeck, Village Engineer
Joshua 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 – Postponed to next meeting.
- 5) Registered citizen comments on agenda items
- Bob Christenson, W4897 Golf Course Road, re. agenda item 11)c). Christenson requested a presentation of the specification of the storm sewer project contract which is scheduled for action. Van Lieshout reported that the contract specs and construction drawings are available for review at the Village office.
 - Mike Cook, N7770 Palisades Trail, re. agenda item 11)c). Cook requested the plans for storm sewer project and reviewed the construction plans.
 - Leigh Grube, W4896 Golf Course Road, agenda item 11)c). Grube expressed dissatisfaction with the Village special assessment policy, stating that 71 residents have signed a request to change the policy. Grube stated that the storm sewer project will not improve her property. The drainage problems, Grube opined, have occurred as a result of increased runoff caused by Village growth and 100% of project costs should be paid by all Village residents. Responding to Grube’s question, Dozer stated that the Board could change the special assessment policy if they choose. However, the matter is not an agenda item and thus cannot be acted upon at this time.
 - Robert Malinowski, N7865 Edgewater Court, re. agenda item 12)d). Comments recorded below.
 - Bill Mitchell, W4958 Golf Course Road, re. agenda item 13). Mitchell commented that the Village did not have a plan for storm water drainage. Van Lieshout disagreed with the statement, reporting that over the years drainage plans have been developed and these are on file in the office for review. Referring to the storm sewer project under current consideration, he stated that the Village approved and received a study of drainage conditions in the assessment district in 2001. That study was the basis for the current storm sewer project.

Gary Rosenbeck , Village Engineer, stated that he can provide documentation of numerous storm water projects undertaken by the Village and the accomplishment of project goals. He reported emphatically that the drainage project under consideration at this time would not resolve all current or future drainage issues.

- Adam Althaus, N4885 Golf Course Road, stated that his neighborhood has not had a drainage problem until the last several years.
- John Strine, W4831 Bridle Road, referred to past ditch clean out effort and asked if additional ditch work will be needed again in five years.
- Brian Muehl, W4849 Bridle Road, re. agenda item 11)c). Muehl stated that projects to solve drainage problems have been undertaken 3 time over the years. He asked the Board to look at the project results critically and hold the Village engineering firm legally accountable if results are not satisfactory. Rosenbeck responded that he is not aware of any contracted drainage project [in the assessment area] in the approximate 12 years that his firm has provided engineering services. On a related issue, Muehl requested that his concrete driveway apron be restored with concrete following the drainage project construction. He stated that he is willing to pay the difference between the cost of asphalt and concrete restoration. He also stated that the Village gave permission for his concrete apron before its installation. Quoting Ordinance No. 55, section G) 5), Van Lieshout reported that such restoration is expressly prohibited by ordinance when roadway does not have curb and gutter construction. Responding to Miller, Dozer reported that the Village could amend the ordinance to provide for exceptions at the discretion of the Board.

6) Consent Agenda

a) Approval of Alcohol Beverage Licenses – ***Barribeau moved to approve the following applications for alcohol beverage licenses. Thomson second. Motion carried.***

- i) Temporary Class “B” & “Class B” Retailer’s License, Harrison VFD No. 1
- ii) Renewal, Condon Oil Company, Kraig Bauman, Agent
- iii) Renewal, T.J.’s Foods Ltd. of Sherwood, Anthony Mueller Agent
- iv) Renewal, Holz-In-One, Inc., Gregg Holz, Agent
- v) Renewal, Duncliffe, Inc., James Radcliffe, Agent
- vi) Renewal, Jean Sprangers, Jeanne’s Bar
- vii) Renewal, High Cliff Golf Course, Inc., Robert Jome, Agent

b) Approval of Tobacco Products Licenses – ***Barribeau moved to approve the following licenses to sell tobacco products. Thomson second. Motion carried.***

- i) Condon Oil Company, Inc.
- ii) T.J.’s Foods Ltd. of Sherwood
- iii) Jeanne’s
- iv) High Cliff Golf Course, Inc.

c) Approval of Original Operator’s Licenses – ***Barribeau moved to approve the following new operator’s licenses. Thomson second. Motion carried.***

- i) Scott Halbach
- ii) Shannon Gedman

iii) Jana Schuster

d) Approval of Renewal Operator's Licenses – Milheiser requested that action regarding vi – xiii be separated. ***Milheiser moved to approve renewal operator's license applications numbered i – v and xiv – xvi. Thomson second. Motion carried. Barribeau moved to approve items vi – xiii. Thomson second. Motion carried. Milheiser abstained.***

- i) Douglas Laux
- ii) Kris Van Rossum
- iii) Kim Van Rossum
- iv) Kris Halbach
- v) Donna Pappenfuss
- vi) Jean M. Horn
- vii) Jennifer Milheiser
- viii) Joseph C. Milheiser
- ix) Shellie Milheiser
- x) Eric M. Derks
- xi) Kathleen M. Ott
- xii) Patrick D. Deschaine
- xiii) Charles Milhieser
- xiv) Tamara Thiel
- xv) Jennifer Vollmer
- xvi) Jeanne Zettler

7) Report of the Plan Commission

1) **Action Items**

a) Recommended approval of CSM located in the extraterritorial subdivision review area located as part of tract 1 CSM 489 Vol. 3 Pgs. 319-321 – Van Lieshout explained that the CSM under consideration pertains to property outside of the Village limits but which falls within the 1 ½ miles of which the Village has extra-territorial review authority. Barribeau asked if the Village can be forced to provide utilities to the property under review. Van Lieshout responded in the negative. ***Miller moved to approve the recommendation of the Plan Commission. Barribeau second. Motion carried.***

2) **For Information Only** – No action required.

- a) Directed Coordinator to respond to a letter from David B. Nielsen, WDOT regarding the future location of High Cliff Road
- b) Directed Coordinator to investigate the expense of developing a downtown development plan, acquisition of rights of first refusal, and financing for property acquisition.

8) Report of PRUT Board

1) **For Information Only** – No action required.

- a) Discussion regarding need for consistent park signage design. Consensus that signs should be of a simple, rustic design and should comply with the zoning ordinance.
- b) Scheduled July 4, 2002 for naming ceremony at Schneider Park. The Sherwood American Legion Post will coordinate the ceremony.

9) Report of Village Officers

a) President

i) Appointments by Village President

(1) Board of Appeals/Citizen Member 3 year term ending April 2005 – To fill a seat being vacated by Joe Beach – No action.

(2) Discussion and action to appoint Harland Zietlow to the position of Village Trustee vacated by Michele Muchowski – ***Barribeau moved to approve the appointment. Milheiser second. Motion carried.***

ii) Designations by Village President

(1) Board of Appeals Alternates – #1 Current Gary Flak – No action.

(2) Board of Appeals/Alternate #2 – To fill an Alternate position vacated by John Broeren – No action.

b) Clerk/Treasurer

i) Review and accept Disbursement and Financial Reports – Disbursement report was accepted as presented.

ii) Review and accept 2001 Audited Financial Statements – Postponed to next meeting.

iii) Approval of Amendment to 2002 Public Work Capital Equipment Budget – Maxymek reported that \$6,515 of general fund balance designated for public works equipment should be transferred to the 2002 general fund budget and the capital outlay budget line increased to provide for final expenditure for new dump truck and equipment. ***Barribeau moved to approve the budget amendment. Milheiser second. Motion carried.***

10) Village Attorney

a) Discussion and action regarding fire protection services contract – Dozer reported receipt of materials from the Town of Harrison pursuant to his request for all records regarding fire protection agreement and basis of fees. Since additional documents to those delivered previously have been received, he suggested it would be reasonable to file a court action to forestall termination of services until the Board has had the opportunity to thoroughly review and analyze the information provided. The Board gave the attorney consensus approval to proceed to file the court motion.

11) Village Engineer

a) Discussion and action to approve a change order adding street paving on Mustang Drive, Cliffview Drive, Carriage Court and Wildwings Drive within the plat of Mustang Acres – Van Lieshout reported that although streets in the Mustang Acres plat are not built-on to the 50% level for binder course paving as specified in the road paving policy, he recommended that the non-assessable base course be approved for this year because TIF funding can be expended now but will no longer be available after September 2002. ***Miller moved to approve a change order to Badger Highways Co. contract #S0017-920218B in the amount of \$37,072.30 to pave a binder course on Mustang Acres streets. Milheiser second. Motion carried.***

- b) Discussion and action to approve a change order for storm sewer on State Park Road – Rosenbeck reported that on review of a request by Rollie Stephenson he can recommend a change order to extend a storm sewer outfall pipe to the creek back of the Stephenson property. He stated that this extension would require less future maintenance. Discussion established that since this will not create a substantial change in the special assessment of the project a public hearing is not required. **Miller moved to approve a change order to Badger Highways Co. in the amount of \$4,635 to contract #S0017-920218B to extend a storm sewer outfall pipe. Milheiser second. Motion carried.**
- c) Consideration and award of contract S0017-920316, 2002 Storm Sewer Construction – Rosenbeck reported that in addition to the storm sewer construction and drainage ditch improvement project bid in the amount of \$185,341.25, an additional base bid was received to re-grade and restore ditches and reset culverts on Cliffwood Drive and Windsor Court at a cost of \$19,100. The re-ditching project is completely separate, he said, and will have no impact on the assessable storm sewer project. **Beach moved to award base bids in the amount of \$204,441.25 to the low bidder, Ronet Construction Corporation. Laux second. Barribeau moved to table action to a special meeting to be called on Wednesday, June 12, 2002 to consider changing the special assessment policy which specifies 30% special assessment of the cost of storm sewer construction to abutting property owners .** Procedural discussion followed. **There being no second, motion to table died. On the original motion, a roll call vote was requested by Beach. Aye votes cast by Barribeau, Beach, Laux, Milheiser, Miller, Thomson. No nays. Motion carried.**

At the request of assessable property owners, an informational meeting on the specifications of the storm sewer construction project will be scheduled and noticed.

- d) Consideration and award of contract S017-91966, Rip-Rap State Park Estates Ponds – Van Lieshout was directed to obtain, in-so-far as possible, a commitment from Calumet County on a previously approved request for grant funding. **Miller moved for approval of a contract award to Radtke Contractors, Inc. in the amount of \$119,612. Laux second. Motion carried.**
- e) Discussion and action to approve a change order for Wannick Park Pavilion – Rosenbeck reported that Jack Diedrich suggested the following change orders to the contract awarded to him for construction of the Wannick Park shelter:
- i) Change material of support pier construction to match the split face block of restroom/storage area at cost of \$3,200. No motion.
 - ii) Change ceiling material of open pavilion area to 1” x 6” pine, tongue and groove type board costing \$8,520. **Beach moved to approve change order in the amount of \$8,520. Laux second. Motion carried. Milheiser nay.**
 - iii) Change bathroom ceiling material to factory applied fiberglass bonded to plywood at cost of \$975. **Beach moved to approve change order in the amount of \$975. Laux second. Motion carried.**

iv) Extend roof overhang to 5 feet. Cost \$650. Beach moved to approve change order in the amount of \$650. Thomson second. Motion carried. Milheiser nay.

12) Village Coordinator

- a) Discussion regarding emergency sign numbers on State Park Road – Van Lieshout stated that an amendment to the plat of Lakeshore Estates West to name un-named cul-de-sac will be taken before the Plan Commission at their July meeting.
- b) Discussion regarding 2002 Capital Projects, all funds – Coordinator reviewed capital projects comparing budgeted estimates to bids received. This comparison shows a favorable difference of \$488,019 [change orders approved above not included]. Two capital projects, the Knight Drive extension and the “Ecker” detention pond, were budgeted but will not be undertaken due to lack of land availability.
- c) Discussion and action to approve additional street lighting on Castle Drive – Van Lieshout presented an estimate for street lights on the north side of Castle Drive from Windsor Court to Knight Drive adjacent to Wannick Park and school site property. Ten lamps were approximated at an estimated cost of \$15,750. ***Beach moved to approve estimated expenditure of \$15,750 for street lights along Castle Drive. Miller second. Motion carried.***
- d) Discussion and action to give special permission in accordance with Paragraph G (1) of Ordinance 55 regulating Driveways, Culverts, Sidewalks and Ditch Maintenance – Van Lieshout presented a request by Robert and Deborah Malinowski to waive the section of Ordinance 55 restricting driveway construction less than 3 feet from the neighboring lot line. Malinowski requested an exception [allowable under the ordinance] to construct at 2 feet from the lot line to allow for a curb along the side of the driveway to assure proper drainage. Malinowski assured that neighboring property owners, Mike and Maggie Ryder, are in agreement with the proposed exception. ***Beach moved to approve granting an exception to the 3 foot requirement specified in Ordinance 55, contingent on explicit approval by neighbor Ryder. Laux second. Motion carried.***

13) Presentation of correspondence, resolutions, and related matters

- Correspondence from Lucia Moburg, W4864 Forest Lane, was reviewed in which Moburg stated opposition to special assessment for storm sewer improvement. She stated that her property has no drainage problems and request that the cost of the project be spread to all residents. Moburg requested that her cement driveway apron be restored to its original condition rather than being replaced with an asphalt apron.
- Miller: Resolve to consider Ordinance 55 G) 5) for amendment to grant exception for restoration of concrete driveway aprons with like material when roadway does not have concrete curb and gutter construction.
- Correspondence from Bill Mitchell was reviewed stating that his property is negatively impacted by water runoff. Van Lieshout reported consulting with Attorney Dozer regarding the applicability of the Nuisance Ordinance to provide relief from runoff drainage. He stated that the ordinance may have limited applicability in that standing

water may create health nuisance due to insect development. Mitchell asked who is accountable to assure that drainage does not negatively impact other properties. Dozer stated that the impacted parties could have a private cause of civil action against the offending party. He further said that the Village could, at its discretion, make a policy decision to mitigate the existing problem. Mitchell stated that runoff comes off the golf course and other neighboring property, flows across Ron Lemerond's property and then onto his property. When neighbor Lemerond built his home the existing runoff was redirected to Mitchell's property. He stated that Lemerond previously agreed to install a ditch to drain his property but was later told by the code administrator that he was not required to do so. Beach stated he is opposed to the Village paying the full cost to remediate problems impacting private property.

- Milheiser: Resolve to direct Engineer Rosenbeck to check out Mitchell drainage problem and return possible solutions for review by the Board at next meeting.
- Barribeau inquired if any information about obtaining right of first refusal to purchase downtown properties has been received. Van Lieshout reported he directed the matter to Attorney Wydeven of the Village's law firm.
- Beach: Resolve to hold a referendum before proceeding with purchase of downtown property.
- Referring to a complaint by Les Stumpf, Barribeau inquired if language noticing the Village's "intent to exercise police powers" of special assessment is necessary. Dozer responded that the language is specified by Wisconsin statute.
- Responding to a question by Laux, Van Lieshout reported that the Board now has an idea of unspent project funds available for possible diversion project to relieve Les Stumpf property of erosion caused by outflow from our storm sewer drainage pipe. Coordinator was directed to communicate to Stumpf that the Board is looking at possible solutions.
- Responding to Beach, Van Lieshout reported that the Public Works Supervisor is planning on working on the volleyball court in the next week. Regarding the renovation of the Community Park softball field, he reported he has not heard from Dave Van Elzen about completion of work.
- Answering Barribeau, Van Lieshout reported he is applying for permits to replace the welcome sign at the south entrance to the Village with a new sign.

14) Adjournment – Thomson move to adjourn at 9:59 p.m. Miller second. Motion carried.

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes June 24, 2002

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

Present

Joe Beach
Joyce Laux
Lynn Milheiser
Dave Miller
Carl Thomson

Absent

Bill Barribeau – Excused
Harland Zietlow

Others Present

Steve Dozer, Attorney
Josh Van Lieshout, Coordinator
Bill Diedrick, Public Works
Kathy Mader, Finance Clerk

- 2) Pledge of Allegiance
3) Approval of the Agenda – **Milheiser moved to approve the agenda. Thomson second. Motion carried.**
4) Approval of Minutes – **Milheiser questioned #8 of May 28, 2002 minutes. Correct “Planning” to “Utility” Commission. Thomson moved to approve May 28, 2002 minutes as amended. Miller second. Milheiser abstain. Motion carried. Milheiser moved to approve June 10, 2002 minutes. Thomson second. Motion carried.**

- 5) Registered citizen comments on agenda items

- Susan Clifton, W4948 Golf Course Road, agenda item 9)b). Clifton requested clarification. She wanted to know if the ponds are gushing into her yard, what can be done to stop it? What is the plan with the water in her backyard?
- Bill Mitchell, W4958 Golf Course Road, agenda item 9)b). Mitchell expressed continued concern about the drainage ponds, as well as proposed streetlights. Miller suggested Mitchell present a list of questions to Van Lieshout. A meeting was planned with Van Lieshout, Mitchell, as representative for the United Neighbors for High Cliff, Gary Rosenbeck, and Miller expected to be in attendance for June 26, 2002.
- Leigh Grube, W4896 Golf Course Road, agenda item 9)b). Grube asked the Board of Trustees to look at the situation in her neighborhood as their own and understand that it requires major concern.

- 6) Consent Agenda

- a) Approval of Alcohol Beverage Licenses –**
i) Knottinghams LLC., Lynn Milheiser, Agent
ii) Granary Supper Club, Lynn Hopfensperger, Agent
iii) High Cliff Restaurant, Doug Schneider, Agent

Miller moved to approve the Alcohol Beverage License Renewal applications of Granary Supper Club and High Cliff Restaurant. Thomson second. Motion carried. Laux moved to approve the Alcohol Beverage License Renewal Application of Knottingham, LLC. Thomson second. Milheiser abstain. Motion carried.

- b) Approval of Original Operator's Licenses – *Milheiser moved to approve new operator's license applications. Thomson second. Motion carried.*
 - i) Michael D. Halbach
 - ii) Tanya M. Scherg

- c) Approval of Renewal Operator's Licenses – *Milheiser moved to approve renewal operator's license applications. Thomson second. Motion carried.*
 - i) Christine (Van Eperen) Lotzer
 - ii) Luke Behling
 - iii) Brad Kraut
 - iv) Ruth Russell
 - v) Jill Marie Wunrow
 - vi) Ann Schumacher
 - vii) Kelly Jo Romanesko
 - viii) Theresa J. Reiter
 - ix) Karen L. Sprangers
 - x) Julie Grace Resch
 - xi) Elizabeth Ann Kasper
 - xii) Shirley M. Jacobs
 - xiii) Tami D. Verhagen
 - xiv) David L. Harder

7) Report of Village Officers

- a) Postponed to next meeting.
- b) Clerk/Treasurer
 - i) Review and accept Disbursements and Financial Reports. **Milheiser moved to approve the Disbursement and Financial Reports. Laux second. Motion carried.**
 - ii) Review and accept 2001 audited Financial Statement and management letter. **Laux moved to approve the 2001 audited Financial Statement and management letter. Milheiser second. Motion carried.**

8) Village Attorney

For Information

- a) Discussion and action regarding fire protection services contract. No action taken. Dozer explained the hearing was continued for 30 days in attempt to resolve the situation. If not resolved in 30 days, will go back to court. Dozer stated it would be extremely unlikely the judge would not grant the injunction until the matter is resolved.
- b) Board of Trustees requested new language for the Village of Sherwood Concrete Apron ordinance to be presented at next meeting.

9) Village Engineer

- a) Discussion and action to approve a change order for Wannick Park Pavilion. **Thomson moved to approve change order fir Wannick Park Pavilion. Included in the motion, a letter will be sent to the architect, Chas Reuter, asking why the**

Village of Sherwood should have to pay for the architect's misses, creating the change orders. Miller second. Motion carried.

b) Update on Municipal Projects – Postponed to next meeting.

10) Village Coordinator

a) Review of the implementation of 2000 Land Use Plan. Van Lieshout explained that 70% of current zoning categories accurately reflect what we have planned for the land use. One current discrepancy example is land currently owned by Jim Ecker. The land is currently zoned industrial but is planned for mixed residential. Van Lieshout suggested the Board of Trustees might want to correct this discrepancy to further implement zoning regulations. Another example is land across the railroad tracks. All the land is currently zoned agriculture but is planned for a golf course, category IR-1 or 2 and Commercial C2 or C3 category. Also, currently the village does not have a zoning category planned for Institutional-large public buildings. A large amount of land is planned for Institutional. Van Lieshout suggested the Board of Trustees consider drafting a section of the zoning code regarding regulating uses that would address some of the institutional needs planned.

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

12) Adjournment – Thomson move to adjourn at 9:15 p.m. Milheiser second. Motion carried.

Minutes respectfully presented for approval by Kathy Mader, Finance Clerk.

Village Board Agenda
July 17, 2002 Time: 7:00 p.m.
Harrison Volunteer Fire Department Number 2
N8716 Lake Park Rd., Town of Harrison

- 1) Call to Order and Roll Call
- 2) Pledge of Allegiance
- 3) Approval of the Agenda
- 4) Registered citizen comments on agenda items
- 5) The Village Board will convene at Harrison Volunteer Fire Department Number 2, N8716 Lake Park Road Menasha then adjourn to Town of Harrison Town Hall W5298 STH 114 Menasha where the meeting will reconvene.
- 6) 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.
- 7) Discussion and action regarding fire protection services contract with the Town of Harrison
- 8) Adjournment

The meeting was not called to order but was informally convened for the purpose of discussion of the fire protection service contract as drafted by Attorney Dozer.

Joe Beach, Joyce Laux, David Miller and Harland Zietlow were present on behalf of the Village of Sherwood. Also present were Attorney Steve Dozer, Coordinator Josh Van Lieshout, and Clerk Ellen Maxymek.

Allison Blackmer, Joe Sprangers, were present from the Town of Harrison as well as Town Attorney Roger Clark, Leanne Buboltz, Deputy Clerk, and Bob Kesler, Road Supervisor and Fire Department Member.

Welcome to the Village Board Meeting!

To assist the Board in conducting its business, we ask that you observe the following:

1. Please register to speak on the sign-in sheet on the table in the back of the room as you enter.
2. Please speak only to issues on the agenda.
3. Please limit your presentation to three (3) minutes.
4. Please do not address the Trustees during their deliberations unless requested to do so.

Village Board Meeting Minutes

July 8, 2002

- 1) Call to Order and Roll Call – Meeting was called to order by President Miller at 6:32 p.m.
Roll was called: **Present**
 Bill Barribeau
 Joe Beach
 Joyce Laux, arr. 6:42 p.m.
 Lynn Milheiser
 Dave Miller
 Carl Thomson
 Harland Zietlow
Others Present
 Reg Wydeven, Attorney
 Steve Dozer, 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 – Zietlow asked that the minutes reflect he called in to report he would not be in attendance at the meeting. The excused absence noted, *Milheiser moved to approve the minutes of the June 24, 2002 meeting. Miller second. Motion carried.*
- 5) Registered citizen comments on agenda items
 - John Hocks, N216 Queens Ct., deferred to Barb Jack re correct mounting of emergency signage.
 - Barb Jack, W4843 Escarpment Tr., asked that correct mounting and placement of emergency signs be promptly facilitated. She also stated that parked vehicles were obstructing visibility of signs. Van Lieshout reported that per a Board approved implementation plan, signs not picked up by property owners are being delivered door-to-door by Kaukauna Boy Scout Troop --- in the evening when residents are likely to be home. Each delivery includes correct mounting instructions and is being noted and reported to the coordinator. Signs which the Scouts are unable to deliver will be delivered by the Constable. Constable Maynard has listing improperly mounted signs and Coordinator will proceed to send notices to correct mounting. Van Lieshout stated that he does not know that under present ordinances, owners of parked vehicles can be prevented from blocking visibility of signs. Zietlow suggested that pictures be taken of proper mounting situations and these pictures can be used to explain correct mounting. He suggested that Jack's group and volunteers from the Board may be able to visit property owners with pictures and suggestions on correct mounting. Zietlow volunteered his assistance. Bill Mitchell volunteered the use of his digital camera to take pictures. Miller reiterated that he wants the Constable to explain correct installation to residents.
 - Bill Mitchell, W4958 Golf Course Road, re agenda item 5) & 13). Mitchell questioned why drainage issues and other matters raised by the United Neighbors of High Cliff group are not on the agenda. He referred to engineer drainage studies made in earlier years and attributed flooding of his and neighboring properties to disregard of predictable affects from construction of upstream detention facilities. Mitchell stated that he is spokesperson for the group of 60 affected neighbors because, due to his experience, he is

able to articulate and enlighten the issues. Referring to a July 27 meeting with the Village President, Attorney, Engineer, and Coordinator, Mitchell expressed dismay that he was not allowed to tape record the meeting, which he characterized as a meeting of a governmental body and therefore open to being tape recorded per statute.

- Brian Muehl, W4849 Bridle Road, re agenda item 5), asked if restoration of concrete driveway aprons to be broken up when storm sewers are installed has been addressed by the Board. Attorney Dozer reported that a first reading of ordinance amendment dealing with the issue is on the agenda of tonight's meeting. A second reading and action will take place at next meeting. Muehl would also like the Board to address method by which sump pumps can be discharged directly into storm sewers.

6) Consent Agenda – *Beach moved to approve Operator's License applicants as listed. Milheiser second. Motion carried.*

- a) Approval of Operator's License Applications
 - i) Kelly S. Schumacher
 - ii) David Breckheimer
 - iii) Scott Burt

7) Report of Village Officers

- a) President – No action
 - i) Appointments by Village President
 - (1) Board of Appeals/Citizen Member 3 year term ending April 2005 – to fill a seat vacated by Joe Beach
 - ii) Designations by Village President
 - (1) Board of Appeals Alternates
 - (a) #1 Current Gary Flak
 - (b) Fill #2 Alternate position vacated by John Broeren
- b) Clerk/Treasurer
 - i) Review and accept Disbursement and Financial Reports – Balance sheet and Budget comparison reports presented.

8) Village Attorney

- a) Discussion and action regarding fire protection services contract – Recommended move to closed session per State Statute 19.85(1)(g) as stated in agenda item 12) below.
- b) Discussion and action regarding concrete and asphalt driveway aprons – Dozer presented amendment to Ordinance 55 as directed by Board June 24, 2002. First reading of proposed amendment as follows:

E. Concrete Aprons. Concrete driveway aprons may be installed at the sole expense of the property owner. The Village shall not be responsible for the repair or replacement of any concrete apron which is in the public right-of-way, along a street not having curb and gutter, the repair or replacement of which is a result, in whole or in part, to damage or removal for ditch maintenance, underground utility installation or repair or road reconstruction purposes.

Beach moved to approve the first reading of amendment to Ordinance 55 as stated but including the phrase “ Upon issuance of a recordable permit concrete driveway aprons... Laux second. Motion carried.

9) Village Engineer

- a) Discussion and action to approve payment for 2002 Asphalt Pavement Projects – ***Thomson moved to approve two certificates for payment in the amount of \$62,752.04 to Northeast Asphalt, Inc. for partial payment of 2002 Asphalt Paving Program, Miscellaneous Streets & Recreation Trails, Contract No. S0017-920217; and in the amount of \$71,334.00 to Northeast Asphalt, Inc. for partial payment of 2002 Curb & Gutter & Asphalt Paving Program, Fairway Estates Subdivision & Castle Drive, Contract No. S0017-920218-A. Milheiser second. Motion carried.*** Responding to Thomson inquiry, Van Lieshout stated that road projects are 60% completed. Badger Highways is scheduled to start the State Park Road and Windswept Lane road project after the July 4th holiday weekend.
- b) Discussion and action to approve change order #3 for Castle and Knight Drive Water and Sewer construction – ***Milheiser moved to approve a change order deduct of \$790.10 to Contract No. S011-91533.04, Castle Drive & Knight Drive Water Main & Sanitary Sewer Construction, reducing contract price to \$70,915.90. Laux second. Motion carried.***

10) Village Coordinator

11) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) deliberation 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 – No recommendation.

12) 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 – ***Barribeau made motion to move into closed session at 7:50 p.m. per State Statute 19.85(1)(g) as stated. Zietlow second. Motion carried.***

Beach moved to return to open session at 8:07 p.m. Barribeau second. Motion carried.

13) Presentation of correspondence, resolution, and related matters

- Responding to Zietlow, Van Lieshout reported although initially the Village was inadvertently left off the distribution list for notices and notes related to intergovernmental county/municipal meetings, he has been in contact with Mary Kohrell and John Keuler from the county and is now receiving correspondence. He called attention to the next meeting scheduled Tuesday Sept. 17, 2002, 9:30 a.m. at City Hall in Appleton. Van Lieshout usually attends meetings of this kind unless another representative wishes to attend.
- Barribeau suggested that the Coordinator look into availability of obtaining a county grant for partial funding of the storm sewer pipe installation scheduled this summer.

- Concerning increases in Trustee per diems approved at a prior meeting, Barribeau questioned whether other board/commission per diems can be increased now. Maxymek reported that the action specifically referred to Village Board per diem increases to take effect after the 2003 board elections. He requested that per diem increases for other boards including amendment to the ordinance which created the PRUT be put on upcoming agenda.
- Thomson re progress on mounting new welcome sign at south entrance to Village. Van Lieshout reported that the state has acknowledged receipt of application for permit to mount the sign at the site of the original sign but approval is still pending. Demolition permit to remove the old sign has yet to be received. Permit applications were made approximately 3 weeks ago. He will make follow-up contact with permitting agency. Thomson commented that the old sign at the north-west entrance should be removed. He also stated that he does not care for the look of the support braces. He would like to see the braces removed and if the asphalt used to mount the sign is not adequate it should be replaced with another product. Van Lieshout reported it is planned to remove, refurbish and mount the old signs at other sites.
- Zietlow encouraged the Board to tour and view the areas affected by drainage issues. Mr. Mitchell has sent invitations in that regard and Bob Jome is making golf carts available to facilitate the 20 minute tour.

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

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk

Village Board Minutes

August 12, 2002

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

Present

Bill Barribeau
Joe Beach
Joyce Laux
Carl Thomson
Harland Zietlow

Absent

Dave Miller, Excused
Lynn Milheiser

Others Present

Steve Dozer, Attorney
Gary Rosenbeck, Engineer
Josh Van Lieshout, Coordinator
Kathy Mader, Utility Clerk

- 2) Pledge of Allegiance

- 3) Approval of the Agenda – **Barribeau moved to approve the Agenda. Zietlow second. Motion Carried.**

- 4) Approval of Minutes – **Beach moved to approve the July 22, 2002 minutes. Laux second. Motion carried. Barribeau moved to approve the July 8, 2002 minutes. Thomson second. Motion carried.**

- 5) Registered citizen comments on agenda items –

- David & Joan Petrie, N7986 Stommel Road, Re Item 9)e

Discussion: Petrie stated he received a letter in the mail stating they (McMahon - Associates, Inc) did not think TIF monies should be allowed for the sewer and water that goes through Cliffview Drive and for the removal of his barn when they did their subdivision. Petrie stated he has in his possession an agreement dated May 9, 1994 signed by themselves and the village. Petrie, reading from page four of his agreement, stated that the cross sharing percentage, as permitted under the urban renewal plan adopted by the village, providing the project can comply with the urban renewal plan requirements and improvements are completed within the capital improvement time frame for tax incremental district number one. Such sharing shall be in the same percentage as provided in the contract for the development of State Park Estates. The village shall take all actions then to permit to assist...Mustang Acres subdivision in compliance with such programs...repayment amounts set forth would be due upon the approval of the final plat for the lot surveyed by the improvement. In the event a final plat is approved, the Mustang Acres assessment shall be paid at the time of closing on each lot, which they are doing according to Petrie, with the amount to be repaid at closing, determined by dividing the repayment amount by the number of lots being directly serviced by these improvements. Petrie suggested he felt this should explain that all is covered under the TIF district. Petrie further explained page three of his agreement describes the lump sum disposal of the barn. Petrie stated that his attorney told him if the village did not want the barn demolition as part of the agreement it should have been scratched at that time.

- 6) Consent Agenda – None

7) Report of Village Officers

- a) President – President Miller on vacation. Van Lieshout stated President Miller might plan to discuss any appointments to a special drainage committee at the next village board meeting. Dozer advised as of today's date no complaint has been received from the District Attorney pertaining to the drainage. President Miller wants to wait until the complaint is received before picking the committee. It is anticipated the complaint will be received by the next meeting.
- b) Clerk/Treasurer
 - i) Review and accept Disbursement and Financial Reports – Clerk is on vacation. Laux questioned lack of entry for interest on investments. Mader explained the Clerk had stated the entries have yet to be entered.

8) Village Attorney

- a) Discussion and action regarding fire protection services contract – **Laux moved to approve the fire protection services contract. Thomson second. Motion carried.**
- b) Discussion and action to approve an ordinance requiring the installation of lock boxes on all new commercial structures. Discussion: Dozer explained this discussion is a supplement to item 8)a). The Town of Harrison has lock boxes on commercial establishments. The town has asked since both municipalities are serviced by the same contract and by the same volunteer fire department they are looking for uniformity with the village. Dozer suggested if the village board wishes, at the next meeting, specific language, if not already included, for a proposed ordinance for the installation and location of a lock box. Laux clarified with the other board members present that the board had discussed lock boxes on commercial structures at a previous board meeting and decided they did not want.
No action was taken at this meeting. The board requested specific language concerning lock boxes for the next village board meeting.

Other Matters:

- Specific language requested to be presented at the next village board meeting for Jake Brake ordinance.
- The village board could determine whether or not Mitchell's disk was filed with the clerk or provided to the clerk to make a copy. Zietlow stated he did not believe Mitchell intended to file the disk with the clerk – **Zietlow moved to return the disk to Mitchell. Laux second. Motion carried.**

9) Village Engineer

Discussion: Rosenbeck presented a 2002 Project Status Report to the village board:

- Castle Drive sewer extension project is complete. There are outstanding punch-list items. Final payment has not been authorized.
- Pigeon Road project – J& E Construction, Stockbridge- only one payment has been made. There is an outstanding punch-list. Rosenbeck suggested to the board if the work was not completed by Friday August 16, 2002 turning this over to village attorney for liquidated damages. It was stated that J& E and had been contacted to finish the punch-list by written request and telephone conversation.

- Detention basins – no payment certificates outstanding at this time. All the aquatic plants have not been planted. McMahon is consulting with the DNR about finishing the planting next year.
 - Lagoon dredging project is completed. No payment requests submitted. Utility commission will receive submission for payment to farmer at their August 19, 2002 meeting. The village board at their next meeting may act upon this submission.
 - Northeast Asphalt – Phase I – a deduction in the contract with the deletion of Golf Course Road and Stommel Road.
 - Northeast Asphalt – Phase II – paving is completed. Fifty thousand dollars plus of the project is uncompleted work. Partial payment is requested.
 - Badger Highway Phase II – Windswept has been paved. State Park Road paving anticipated start by Friday August 16, 2002. No payment requests have been submitted.
 - High Cliff Lift Station – concrete is in ground, walls are up and roof is going on. Pump and generator are on order.
 - TIF Park – Westra Construction has the infield mix graded, not seeded. Parking lot is paved. Contractor is responsible for watering. No payment request at this time.
 - Wannick Park Pavilion – roof is on with shingles, baths are roughed in, and concrete work is completed.
 - Rip Rap – stone placement completed. Repairs on trail and site restoration to be completed. No payment request received.
 - Meadowcliff condo project – no payment request to date. Restoration has been completed but not certified for payment.
- a) Discussion and action to approve Certificate of Payment No. Two, Contract S017-91935, to Diedrich Construction, Inc. for Wannick Park Pavilion
 - b) Discussion and action to approve Certificate of Payment No. Two, Contract S0017920218-A, to Northeast Asphalt, Inc. for curb and gutter and asphalt paving Fairway Estates Subdivision and Castle Drive.
 - c) Discussion and action to approve Certificate of Payment No. Two, Contract S0017-920217, to Northeast Asphalt, Inc. for asphalt paving Misc. Streets and Recreation Trails
 - d) Discussion and action to approve Certificate of Payment No. One, Contract S0011-9200270.02 (Book A), Lift Station No. 3 Reconstruction – **Bob Barribeau moved to approve the payment of four vouchers for items 9) a-d). Laux second. Approved: Barribeau, Beach, Laux, Thomson, Against: Zietlow.**

Discussion: Beach asked Zietlow if he wished to separate the payments. Zietlow replied he was just voting against the panel...being on the board only a month and seeing shoddy work on some projects he would like the opportunity to look over the projects before approving payment.

- e) Discussion and action to approve certified expenditures per the Mustang Acres Redevelopment Agreement and take action in regards to the uncertifiable requests – tabled until next meeting.

Discussion: Rosenbeck cautioned the board that if Petrie is paying the village back for the deferred assessments as the lots are sold but the village is at the end of the TIF time period, September 20, 2002, and the village is reimbursing him for costs not incurred...the village may want the village accountant and attorney to assess the situation before making an action. Dozer suggested the village board ask their accountant to analyze. Petrie requested Dozer communicate with his lawyer.

- f) Discussion and action approve the certified expenditures for the Sherwood Forest Golf Village Redevelopment Agreement and take action in regards to the uncertifiable requests – action postponed until next meeting.

Discussion: Rosenbeck suggested turning documents over to the village accountant to decipher. Dozer suggested first having an accountant decide what has been paid. Once it has been determined what has been paid, Dozer explained it then becomes a legal question. What has been provided for under the contract, does the village owe this under the contract, the decision, yes or no, comes back to the village board. The village board needs to know what bills are allocated to each specific contract. Dozer expressed that this is a time sensitive situation. The board requested Dozer to send a letter to the developer this week and response is expected before or by the next village board meeting. Dozer explained it must be expressed to the developer that they have to report to the village board in an expedited fashion with full supporting documentation.

- g) Discussion and action to award a contract for asphalt paving to Badger Highways, Inc. in the amount of \$41,407.50 for paving Mustang Acres – **Laux moved to award the contract for asphalt paving to Badger Highways, Inc. Zietlow second. Motion carried.**

10) Village Coordinator

- a) Discussion and action to approve a street lighting contract for Castle Drive – tabled until next meeting.

Discussion: Beach is in favor of a light that shines down rather than shines up. Zietlow requested Van Lieshout get more information for other possible fixtures for the next village board meeting. Van Lieshout explained WE Energies requires payment before work is started...payment has to be before September 20, 2002.

- b) Discussion and action to approve a directional sign to N590 Military Road (Louise Mertens Property) –

Discussion: Van Lieshout explained there is no such address according to the county records, Military Road or Railroad Street. Family is concerned emergency personnel is unable to find their residence. Dozer suggested to make sure there is a sign showing where the residence is located for the emergency personnel. Then make the fire department aware of the location. Dozer also suggested Van Lieshout contact the county because it is unclear if there is an actual street associated with the residence...Van

Lieshout should question if a sign can be placed on Military Road to make emergency personnel aware of the residence.

11) Presentation of correspondence, resolutions, and related matters – Zietlow requested Van Lieshout investigate the situations of the correspondence on pages 158 & 159. Van Lieshout will report to the board. Dozer suggested since this is a disciplinary request that it should be addressed in a closed session.

12) Adjournment – **Zietlow moved to adjourn at 7:45 p.m. Barribeau second. Motion Carried.**

Respectfully submitted for approval by Kathy Mader, Utility Clerk

Village Board Meeting Minutes

August 26, 2002

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:32 p.m. Roll call:

Present Bill Barribeau Joe Beach Joyce Laux Lynn Milheiser Dave Miller Carl Thomson Harland Zietlow	Others Present Christine Wanless, Attorney Chad Olson, Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
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- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Milheiser second. Motion carried.*

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of the August 12, 2002 meeting. Thomson second. Motion carried. Milheiser abstained.*

- 5) Registered citizen comments on agenda items
 - Tom Boll, N7861 Rocksbury Court, agenda item 11) b). Boll requested permission to enclose his ditch. His reasons for the request included difficulty in mowing due to the steep ditch grade; soil erosion; running of neighbor’s sump pumps into ditch causing ditch to be wet continually; and under current conditions the ditch detracts from the value and aesthetics of the court.

 - Tom Jack, W4843 Escarpment Terrace. Jack made suggestions regarding tree plantings in Miller and Nuthatch, some of which he stated were not appropriately handled. He also stated that trees were not planted according to DOT regulation. He offered to mark each questionable planting for replacement.

- 6) Consent Agenda – No business.

- 7) Report of the Utility Commission

August 19, 2002 Meeting Report

1. Action Items

- a. Approved a change order in the amount of \$7590 for lagoon cleaning at the wastewater treatment plan. For an accurate summary please read the attached correspondence from United Liquid Waste and McMahon Associates, Inc. *Milheiser moved to approve a change order in the amount of \$7,590. Barribeau second. Motion carried.*

2. Discussion Items

- a. The Utility Commission discussed a complaint from the July meeting regarding organisms in the sumps of private point of use water filters. The Coordinator pointed out that in the previous month tests had been conducted on the public water supply

- source and did not find any evidence of the well being contaminated. Much discussion between the Commissioners, Utility Staff, Village Engineer and general utility customers, the Village Engineer was directed to formulate a plan to further investigate the matter and prepare an action plan for presentation a meeting on August 21, 2002.
- b. Moved and approved to donate water to the Sherwood Lions Football Inc. in lieu of them watering the Legion Park Baseball Diamond
 - c. Moved and approved to charge Forest Run Pet Cemetery for sewer service after discussing possibilities as to why there hadn't been any previous charges for that service.
 - d. Moved and approved to remove private fire protection from High Cliff State Park water and sewer bill. This decision was made after it was discussed and determined that High Cliff State Park had no private fire protection apparatus (unmetered sprinkler, private hydrant).

August 21, 2002

1. Consensus Items:

- a. Agreed - directives 1-3 received by the village from Ken Scherer, DNR, will be managed by the village utility staff - directive 1: chlorine residual monitoring, directive 2: immediate additional bacterial sampling in concern area, directive 3: install sampling apparatuses within distribution system. Van Lieshout, Coordinator, will manage directives four and five – directive 4: ensure all private wells are in compliance, directive 5: to inspect each customer's property assign team of trained cross-connection inspectors.
- b. Agreed upon a response plan presented by Rosenbeck, village engineer. The response plan was offered per the directives of Ken Scherer, DNR received by the village and in request of the Village of Sherwood Utility Commission – Step 1: compliance with directive 1, Step 2: compliance with directive 3, Step 3: compliance with directives 2 & 5, Step 4: compliance with directive 4.
- c. Agreed the suggestion of Rosenbeck, village engineer, to request Gary Hess and Terry Woller, Village of Sherwood Utility, assist Wisconsin Rural Water Association employees, qualified for cross-connection inspections, to begin door to door inspections on Thursday August 22, 2002. The inspections are to begin at Priority I locations illustrated on the map presented to the commission by Rosenbeck. Joe Kniseley, Wisconsin Rural Water Association, explained he had three employees available to begin the inspections on August 22, 2002.
- d. Agreed letter written by Van Lieshout, Coordinator, to be presented to the resident owners in Priority I locations on August 22, 2002 and sent to all Village of Sherwood utility customers along with the "Protect Your Drinking Water" insert. The letter explains the reason for inspections and the desire for resident's cooperation. The utility clerk was given a list of names of the Wisconsin Rural Water Association employees to verify with residents wishing to call.
- e. Agreed all private well sites are to be added to yellow section of map- Priority Area I.

- f. Agreed the Plumbing System Inspection Report format proposed by Rosenbeck. The inspectors are to fill out a form for each residence.
 - g. Agreed the suggestion of Rosenbeck to continue house to house inspections in Priority Area order. There are six Priority Areas on map. To insure that all houses are inspected in a timely manner, many qualified daytime inspectors are needed as well as nighttime inspectors to contact residents that were not home during the daytime.
 - h. Agreed to requesting possible assistance for house to house cross-connection inspection assistance from qualified DNR staff, Paul Hermes', village building inspector, staff, and Ken Pruess, plumber.
 - i. Agreed to have Rosenbeck continue inspection apparatus design to capture particles 50 microns or less in diameter.
- 8) Report of Village Officers
- a) President
 - i) Discussion and action to appoint two new commissioners to fill vacancies on the Plan Commission – Miller stated that these appointments will be brought to the Board for confirmation when he has received a positive commitment from potential candidates.
 - b) Clerk/Treasurer
 - i) Review and accept Disbursement and Financial Reports – The disbursement reports were reviewed and accepted.
- 9) Village Attorney – Attorney Wanless reported that she will handle Village matters along with Attorney Haak of McCarty, Curry, Wydeven, Peeters & Haak until Attorney Dozer has returned following recent surgery. She requested time to thoroughly review the following matters before rendering opinion.
- a) Discussion and action to approve certified expenditures per the Mustang Acres Redevelopment Agreement and take action in regards to the uncertifiable requests.
 - b) Discussion and action approve the certified expenditures for the Sherwood Forest Golf Village Redevelopment Agreement and take action in regards to the uncertifiable requests.
- 10) Financial Advisor
- a) Discussion and action to approve establishment of an escrow account to complete payment on tax increment financed projects – Van Lieshout reported the need to set up an escrow fund to manage payment of TIF project funds after the September 24, 2002 completion deadline. He asked that the trustees thoroughly review the authorizing Resolution and Escrow Agreement and be prepared to take action at next meeting.
- 11) Village Coordinator
- a) Discussion and action regarding a proposal from Grant Thornton, LLP to aid in sales tax recovery – Darryl Olton, Grant Thornton, LLP, presented a proposal to identify and recover state excise taxes paid on gasoline used in the operation of off-road vehicles. Remuneration to the accounting firm was proposed at 25% of value saved. Attorney

Wanless indicated that she would like some revision in the proposal/agreement language and will contact Olton regarding changes in time for next meeting.

b) Discussion and action regarding approval of a ditch enclosure at N7861 Rocksbury Ct. – ***Barribeau moved to approve ditch enclosure. Thomson second. Motion carried.***

c) Discussion and action to approval street closure for September 11, 2001 Memorial Ceremony sponsored by Thomas E. Kees American Legion Post No. 496 – A request from the American Legion to close 100 yards of Clifton Road, between the Village Hall and the Community Center to conduct a memorial service was introduced as follows:

- Temporary closure of the road from 10:30 a.m. to 1:30 p.m.
- Placement and removal of bleachers by Village staff to accommodate guests and participants.
- Access to Community Center by seniors participating in the lunch program will be accommodated.
- J&E Construction will be notified of road closure.
- Access to gymnasium in event of inclement weather.

Following discussion ***Miller moved to approve the request. Barribeau second. Motion carried.***

12) Presentation of correspondence, resolutions, and related matters

- Laux requested that the Village seek liquidated damages from J & E Construction for failure to complete Reconstruction of Pigeon Road restoration in a timely manner. Van Lieshout was requested to turn over correspondence re the matter to attorney for follow-up.
- Beach requested that additional information regarding alternative cost of streetlights be brought to the attention of the Board.

13) Adjournment – ***Beach moved to adjourn at 8:23 p.m. Thomson second. Motion carried.***

Village Board Meeting Minutes

September 9, 2002

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m.
Roll call: **Present**
Bill Barribeau
Joyce Laux
Lynn Milheiser
Dave Miller
Carl Thomson arr. 7:20
Harland Zietlow
Absent
Joe Beach - Excused
Others Present
Christine Wanless, Village Attorney
Dave Wagner, Financial Consultant, arr. 6:50
Josh Van Lieshout, Coordinator
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 – Clerk noted that minutes of July 23, 2002 were not submitted for approval as was incorrectly recorded. *Barribeau moved to approve the minutes of August 26, 2002 with the above change. Zietlow second. Motion carried.*
- 5) Registered citizen comments on agenda items – *Milheiser moved to change the order of the agenda regarding 12)a and 12)b. Barribeau second. Motion carried.*
 - Tracy Salisbury, Department of Urban Forestry, Wisconsin Department of Natural Resources re agenda item 12)a – Salisbury presented award, plaque, and flag to President Miller, congratulating the Village on its efforts planting trees.
 - Lisa Sheppard, N444 Robinhood Drive, re agenda item 12)b – Sheppard reported on the success of the dance program and requested continuation of the fee-based, self-supporting recreation activity. *Miller moved to approve continuation of the Youth Dance Program for the 2002-2003 program year. Zietlow second. Motion carried.*
 - Tom Schuler and Robert Wittmann, Lakeshore Estates LTD, re agenda item 7)1)a)b)c.
- 6) Consent Agenda
 - a) Application for Temporary Class “B” Retailer’s License - High Cliff Ridge Riders – *Barribeau moved to approve. Milheiser second. Motion carried.*
- 7) Report of the Plan Commission Meeting, September 4, 2002
Action Items
 - a. Recommended approval of preliminary plat of Lakeshore Estates West II with plat conditions as follows:
 - i) Village Engineer approved drainage plan.
 - ii) Plat plan to include a minimum of ten (10) streetlights per subdivision ordinance.
 - iii) Trail construction along the south side of Nature’s Way or cash in lieu of trail construction.
 - iv) Tree planting or cash in lieu of tree planting.*Barribeau moved to approve. Milheiser second. Motion carried.*

- b. Recommended approval of concept plat of Lakeshore Estates North. Preliminary plat must comply with all provisions of the subdivision ordinance and will include a dedicated sixty-six (66) foot right-of-way – ***Barribeau moved to approve. Milheiser second. Motion carried.***
- c. Recommended approval of Affidavit of Correction to the plat of Lakeshore Estates West naming unnamed cul-de-sac Jurek Court – ***Barribeau moved to approve. Milheiser second. Motion carried.***
- d. Recommended approval of a CSM located in part of the SW ¼ of the NW ¼ Section 5, Town 19 North, Range 19 East, Town of Harrison, Calumet County Wisconsin per extra-territorial review authority – ***Barribeau moved to approve. Milheiser second. Motion carried.***
- e. Strongly suggested immediate acquisition of downtown properties for future redevelopment as described in the 2000 Village of Sherwood Land Use Plan – Van Lieshout discussed Rights of First Refusal vs. Options to purchase as outlined by Attorney Wydeven correspondence. Attorney Wanless cautioned the Village to obtain substantive legal opinion re site contamination and remediation. ***Barribeau moved to obtain information needed to make offers of purchase. Zietlow second. Motion carried***
- f. Advised that the Village Board/Plan Commission proceed to map Meadowcliff Drive on the Official Street Map of the Village of Sherwood – ***Miller moved to approve recommendation and to proceed with amendment placing Meadowcliff Drive on Official Street Map. Zietlow second. Motion carried.***
- g. Recommended approval to proceed with Option 2 as described in the Engineer’s Report regarding drainage investigation on Clifton Road – ***Barribeau moved to approve. Milheiser second. Motion carried.***

For Information Only

- a) Discussed the appointment of a special committee on storm-water conveyance in the High Cliff plats and surrounding areas. Advised that that the work of the committee be facilitated; establish goals that address issues of conveyance and quality of storm-water; establish a timeline for accomplishment of goals.
- 8) Report of Village Officers
- a) President
 - i) Discussion and action to appoint two new commissioners to fill vacancies on the Plan Commission – ***Miller moved to appoint Tom Boll as citizen member of Plan Commission. Barribeau second. Motion carried.***
 - b) Clerk/Treasurer
 - i) Review and accept Disbursements – Disbursement report reviewed and accepted.
 - ii) Discussion and action to approve an official date for Halloween trick or treating – ***Zietlow moved to designate trick-or-treat hours Saturday, October 26, between 1:00 p.m. and 3:00 p.m. Barribeau second. Motion carried.***

9) Financial Advisor

- a) Discussion and action to adopt a resolution authorizing the establishment of an escrow agreement to assure distribution of expended funds with respect to Tax Incremental District No. 1 – Reporting that the expenditure period for TIF projects would end on September 24, 2002, Wagner introduced a draft of a resolution and agreement authorizing escrow funds to pay balances of TIF project contracts. He said it was important to have legal opinion and review of the escrow instruments. Attorney Wanless reported that the Village appointed firm was unable to render an opinion regarding TIF requirements. Wagner stated that the firm of Foley & Lardner, used in the past by the Village as bond counsel, was in a position to render an opinion as to the eligibility of an escrow to fulfill the requirements of the expenditure period. Fees for the legal service will be \$300 per hour and will total between \$5,000 –10,000. Wagner reported that Associated Trust has been used in the past as escrow agent and can perform these services at a cost of \$250 set up fees and .10% per month of the balance in addition to a per check charge for payouts. He suggested a one-year period for the payout of the escrow. ***Miller moved to retain the services of Foley & Lardner at a cost not to exceed \$10,000 to review and render an opinion within a reasonable degree of certainty regarding the adequacy of escrow agreement. Milheiser seconded. Motion carried.***

10) Village Attorney – Wanless stated general concern regarding certification of payment requests without a release from future requests from developers.

- a) Discussion and action to approve certified expenditures per the Mustang Acres Redevelopment Agreement and take action in regards to the uncertifiable requests – Wanless reported that she has been in contact with the attorney who represents Mustang Acres, Inc. However, they have been unable thus far to reach consensus regarding the requests for payment which the Village Attorney is unable to certify. The requests in question are \$6,000 for demolition of the barn, \$30,090 to strip site topsoil, and \$32,640 for unpaid deferred assessments. No action
- b) Discussion and action approve the certified expenditures for the Sherwood Forest Golf Village Redevelopment Agreement and take action in regards to the uncertifiable requests – Van Lieshout reported that a meeting with the principals is scheduled and it is expected that the unverifiable request issues will be resolved. No action.
- Rosenbeck reported that there are two outstanding requests from RBH LLC with respect to the State Park Estates Redevelopment Agreement. Namely \$4,000 for berm trees covered by Amendment One of Redevelopment Agreement, are these to be certified at 100 % or 30% reimbursement. Also in question \$10,800 for extension of sewer to Smet property. Re the latter issue a required dedicated right-of-way has not been received.

11) Village Engineer

- a) Discussion and action to approve Certificate of Payment No. 1 and Final in the amount of \$34,590 to United Liquid Waste for sludge removal at the WWTP Lagoons – ***Barribeau moved to approve. Milheiser second. Motion carried.***

- b) Discussion and action to approve Certificate of Payment No. 3 in the amount of \$60,439.00 to Diedrich Construction, Inc. for construction of Wannick Park Pavilion – ***Barribeau moved to approve. Zietlow second. Motion carried.***
- c) Discussion and action to approve Certificate of Payment No. 2 in the amount of \$35,652.28 to Westra Construction for of construction of the Wannick park Softball/Baseball Field – ***Barribeau moved to approve. Thomson second. Milheiser nay. Motion carried.***
- d) Discussion and action to approve Certificate of Payment No. 1 in the amount of \$68,815.33 to Radtke Contractors for construction State Park Estates Rip-Rapping – ***Milheiser moved to approve. Zietlow second. Motion carried.***
- e) Discussion and action to approve Certificate of Payment No. 1 in the amount of \$126,828.41 to Badger Highways, Inc. for reconstruction of State Park Road and Windswept Lane – ***Miller moved to approve. Barribeau second. Motion carried.***
- f) Discussion and action to approve a change order to Badger Highways Co. Inc. decreasing Contract No. S0017-920218-B by \$37,072.30 – ***Barribeau moved to approve. Milheiser second. Motion carried.***
- g) Discussion and action to approve Certificate of Payment No. 2 in the amount of \$74,955.60 to Miron Construction for reconstruction of Lift Station No. 3 – ***Milheiser moved to approve. Zietlow second. Motion carried.***
- h) Discussion and action to approve Certificate of Payment No. 3 to Northeast Asphalt in the amount of \$18,253.22 for partial payment of concrete curb and gutter and asphalt paving of Fairway Estates Subdivision and Castle Drive – ***Miller moved to approve. Laux second. Motion carried.***
- i) Discussion and action to approve Certificate of Payment No. 3 to Northeast Asphalt in the amount of \$55,030.56 for asphalt paving of Miscellaneous Streets and Recreation Trails – ***Barribeau moved to approve. Zietlow second. Motion carried.***

12) Village Coordinator

- a) Presentation of 2001 Tree City USA Award from Tracy Salisbury, Department of Urban Forestry, Wisconsin Department of Natural Resources – Noted above.
- b) Discussion and action to approve the 2002-2003 Youth Dance Program – Action recorded above.
- c) Discussion and action to approve the acquisition of picnic tables, bleachers and team benches for Wannick Choate Park – Van Lieshout requested escrow of funds to purchase approximately \$12,565 of equipment for TIF Park. He was directed to order the equipment and list the amount with the escrow of funds for approval at next meeting.
- d) Discussion and action regarding street lights on Castle Drive – Following discussion ***Zietlow moved to approve purchase and installation of Cobra style street lights on the***

north side of Castle Drive abutting the TIF Park from WE Energies. Laux second. Motion carried.

- e) Discussion and action to approve a service agreement with Grant Thornton for fuel tax recovery – *Barribeau moved to approve entering into a service agreement with Grant Thornton for recovery of off-road portion of fuel tax. Miller second. Motion carried. Laux abstained.*
- f) Discussion and action to accept Preliminary Estimate of January 1, 2002 Population as provided by the Wisconsin Department of Administration – Van Lieshout reported the January 1, 2002 estimated population of 1804 and stated that due to the brisk pace of building, growth will hit 2000 by year-end 2002. *Miller moved to accept the DOA estimate without dispute. Barribeau second. Motion carried.*
- g) Discussion regarding report of tree inspections at Miller and Nuthatch Ponds – Zietlow suggested that Tom Jack, a licensed arborist, should be paid for his efforts on behalf of the Village in inspecting and evaluating the pond landscaping and that that payment should be calculated at the same hourly rate as that paid to the engineer. Zietlow stated that he was dissatisfied with the tree landscaping at the detention pond sites and that payment should be withheld. He questioned the accuracy of the project engineer's evaluation and stated that a higher number of trees are dead than those reported in the engineer's inspection report. Wanless suggested that the project contract should be evaluated to ascertain strength of the warranty. Van Lieshout was directed to check the warranty.
- h) Discussion regarding letter to Donnie Ecker, J&E Construction, Inc. on Pigeon Road Reconstruction Project – Van Lieshout was directed to contact the contractor/sub-contractors in an attempt to facilitate completion of the contract. Zietlow reported speaking with Ecker who stated to him that the punch list of necessary completion items was finished.

13) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reported a multi-county memorial to victims of September 11, 2001 to take place on that anniversary in Calder Stadium, Menasha.
- Reporting on an incident involving a 4-wheeler on trails, Thomson suggested stenciling a sign prohibiting use of motorized vehicles on blacktopped trails. Discussion: motorized wheel chairs and other vehicles used by disabled should not be restricted. A method of permitting these, perhaps with presentation of a doctor's excuse, should be implemented. The Coordinator was directed to check the rules for use of the Outagamie County trail system.

14) Adjournment – *Barribeau moved to adjourn at 8:43 p.m. Milheiser second. Motion carried.*

Minutes respectfully submitted for approval by Ellen Maxymek, Clerk.

Special Village Board Meeting Minutes

September 16, 2002

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m.
Roll call:

Present	Absent
Bill Barribeau	Joyce Laux
Joe Beach	Others Present
Lynn Milheiser	Christine Wanless, Village Attorney
Dave Miller	Gary Rosenbeck, Village Engineer
Carl Thomson	Dave Wagner, Financial Consultant
Harland Zietlow	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 – None
- 5) Registered citizen comments on agenda items – None

6) Financial Advisor

- a) Discussion and action to adopt a resolution authorizing the establishment of an escrow agreement to assure distribution of expended funds with respect to Tax Incremental District No. 1 – Wagner presented the opinion letter issued by Foley & Lardner, Attorneys which stated that an Escrow Agreement and transfer of fund for subsequent release and distribution to project contractors would not violate the ten-year expenditure requirement under the Tax Increment Law. Wagner referred to a 2002 TIF Project Status Report compiled by Village Engineer Rosenbeck. The report indicated an amount to be escrowed not to exceed \$733,705. Rosenbeck indicated that in the upcoming week pending change orders and certified payment requests might substantially decrease the needed escrow funds. The Clerk has assured him that all certified payment requests will be paid before the expenditure deadline.

Foley and Lardner secondly stated that payments made to developers under the respective Redevelopment Agreements are not subject to the ten-year expenditure period. The Resolution and Escrow Agreement will also govern redevelopment expenditures not completed, paid for, or determined to be (or certified as) completed.

Wagner made it clear that the Consulting Engineer will present all future certificates of payment to the Escrow Agent for payment.

Barribeau moved to adopt resolution authorizing the establishment of an escrow agreement to assure distribution of expended funds with respect to Tax Incremental District No. 1. Thomson second. Roll call vote. Aye: Barribeau, Beach, Milheiser, Miller, Thomson, Zietlow. Nay: None. Motion carried unanimously.

- 7) Village Attorney – Wanless reported that she has not received return calls from Attorney Twohig who represents David Petrie in the Mustang Acres Redevelopment Agreement. The attorney advised that a separate resolution and escrow agreement be established to cover questionable redevelopment expenditures not completed, paid for, or determined to be (or certified as) completed. This would assure that in the event such expenditures are certified at a future date they could be paid from TIF funds.
- 8) Village Engineer
 - a) Discussion and action to approve certified expenditures per the Mustang Acres Redevelopment Agreement and take action in regards to the uncertifiable requests – No action.
 - b) Discussion and action approve the certified expenditures for the Sherwood Forest Golf Village Redevelopment Agreement and take action in regards to the uncertifiable requests – Rosenbeck stated that questions regarding certification of these expenditures have been resolved. He will furnish letter of certification to the Board for action at their next meeting.
- 9) Village Coordinator – No business presented.
- 10) Presentation of correspondence, resolutions, and related matters – None.
- 11) Adjournment – ***Milheiser moved to adjourn at 7:26 p.m. Miller second. Motion carried.***

Minutes respectfully submitted for approval by Ellen Maxymek, Clerk.

Village Board Meeting Minutes

September 23, 2002

- 1) Call to Order and Roll Call – The meeting was called to order at 7:00 p.m. by President Miller. Roll call:

Present Joe Beach Joyce Laux Dave Miller Carl Thomson	Absent Bill Barribeau, Excused Lynn Milheiser Harland Zietlow, Excused Others Present Christine Wanless, Attorney Gary Rosenbeck, Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
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- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Laux moved to approve the agenda. Thomson second. Motion carried.*
- 4) Approval of Minutes – *Beach moved to approve the minutes of the August 5, 2002 meeting. Thomson second. Motion carried.* Laux stated she would abstain from voting on the minutes of the September 16, 2002 due to her absence from that meeting. Lacking a quorum the minutes will be returned for approval.
- 5) Registered citizen comments on agenda items
 - Louie Resch, N8160 Big Lake Lane, developer of State Park Estates Subdivision, re 8)c.
- 6) Consent Agenda
 - a) Approval of an Operators License for Tina Nelson – *Thomson moved to approve. Laux second. Motion carried.*
- 7) Report of Village Officers
 - a) President
 - i) Discussion and action to appoint Dennis Dewing to fill a vacancy on the Plan Commission – *Miller having appointed Dennis Dewing to fill vacancy on Plan Commission, Thomson moved to accept the appointment. Beach second. Motion carried.*
 - b) Clerk/Treasurer
 - i) Review Disbursement Register and Financial reports – Reports were reviewed.
- 8) Village Attorney
 - a) Discussion and action to approve certified expenditures per the Mustang Acres Redevelopment Agreement and take action in regards to the uncertifiable requests – Engineer Rosenbeck presented a summary of TIF reimbursable costs as submitted by the developer which he reviewed and certified. Rosenbeck called attention to two submitted costs, stripping of site topsoil \$30,090 and barn demolition \$6,000, which were neither included in the redevelopment agreement nor in an amendment. For this reason the engineer is unable to certify these costs. He also referenced the developer's claim for 30% reimbursement for deferred assessments for construction of Stommel Road water

main and Cliffview Drive sewer and water main. Deferred assessments totaling \$32,643.06 remains outstanding at this time since under a separate agreement these per lot assessments become payable as sold. Rosenbeck will certify \$9,793, the balance of the claim, as these deferred assessments are paid to the Village.

- b) Discussion and action to approve the certified expenditures for the Sherwood Forest Golf Village Redevelopment Agreement and take action in regards to the uncertifiable requests - A summary of TIF reimbursable costs as submitted by the developer and reviewed and certified by the Village Engineer was presented. Rosenbeck reported meeting with Florian Schmidt representing the development group. An agreement was made with regard to quantifying time and material costs for excavation of Phase II. These agreed upon costs were certified.
- c) Discussion and action regarding uncertified expenditures for State Park Estates – Louie Resch requested reimbursement for Outlots 4, 5, 6, 7 in Phase II of State Park Estate, totaling .7922 acres valued at \$3961. The recently completed subdivision trails were constructed on these outlots and Resch stated they are of no value to him. Van Lieshout reported that the redevelopment agreement referenced only Phase I costs are reimbursable unless the agreement was specifically amended to include additional phases. Miller stated that, on the eve of the TIF project deadline, it is too late for an amendment.

As to other project costs, Maxymek and Rosenbeck reported that \$41,295 for street asphalt and \$50,580 of \$57,320 for 10/97-land transfer were previously certified and debited to the redevelopment account. These items are being repaid in the annual debt payment. \$4,000 for berm trees was certified earlier this month for 100% reimbursement per Amendment #1 to the redevelopment agreement. Resch agreed with Rosenbeck that \$10,800 in cost that was submitted for construction of a sewer lateral to the Joe Smet property is not reimbursable. Smet failed to provide a dedicated road right-of-way to the Village as was required for reimbursement of those construction costs.

Regarding \$6,740 in requested reimbursement for additional 1.35 acres of land transferred to the Village in October, 1997, Rosenbeck said it was probable that he could certify for the additional reimbursement, after he has opportunity to review the documentation.

- d) Discussion and action to Adopt Resolution authorizing escrow agreements to assure distribution of expended funds with respect to Tax Incremental District No. 1 – Wanless stated that costs reimbursable under redevelopment agreements but not now certified could be escrowed if the engineer believes they may be certifiable in the future. It is the opinion of Dave Wagner, Ehlers Associates financial consultant, that submitted costs not certified by the September 24 TIF project deadline will not be eligible for reimbursement from TIF funds. She stated, therefore, that it is advisable to set up an escrow agreement by resolution similar to but separate from the project escrow approved previously. Escrowing funds for future certification will have the affect of expending project funds. The Village Engineer would act as the Consulting Agent and have full charge of approving release of funds. Wanless noted that West Pointe Bank, Oshkosh agreed to

serve as escrow agent at a fee of .6% of the escrowed balance or a minimum of \$1,000 per year.

Engineer Rosenbeck stated that costs submitted for reimbursement were not certified for one of the following reasons:

- There was an error in calculation of submitted costs.
- It is the interpretation of the certifying engineer that costs submitted for reimbursement are not covered under the redevelopment agreement or its amendments.
- There was not documentation that submitted costs had in fact been paid.

Rosenbeck reported approximately \$17,000 in cost that he thinks he can certify in the future. Included is \$9,793 for 30% of Mustang Acres Inc. deferred assessments and \$6,740 potentially payable to RBH for additional parkland deeded to Village. **Miller moved to adopt a resolution and authorize escrow agreement with West Point Bank, Oskosh, in an amount not to exceed \$17,000 to assure distribution of expended funds with respect to Tax Incremental District No. 1. The funds may remain in escrow account no longer than September 24, 2010 such time as Tax Incremental District # 1 is closed, whichever is earlier. Laux second. Roll call vote. Aye: Beach, Laux, Miller, Thomson. Nay: None. Motion carried.**

9) Village Engineer

- a) Discussion and action to approve change order No. 1 for 2002 Asphalt Paving Program in deducting the amount of \$79,691.50 – **Beach moved to approve. Laux second. Motion carried.**
- b) Discussion and action to approve change order No. 4 for State Park Road & Windswept Lane Reconstruction adding \$960.42 to the contract – **Miller moved to approve. Thomson second. Motion carried.**
- c) Discussion and action to approve change order No. 2-revised for Storm Water Pond Construction adding \$1088.88 to the contract – **Beach moved to approve. Laux second. Motion carried.**
- d) Discussion and action to approve change order No.1 for State Park Estates Rip Rapping deducting the contract amount by \$9,174.81 – **Miller moved to approve. Laux second. Motion carried.**
- e) Discussion and action to approve change order No. 1 Wannick Softball/Baseball Field Construction increasing the contract in the amount of \$8,769.52 – **Miller moved to approve. Laux second. Motion carried.**
- f) Discussion and action regarding correspondence from David Jannette date 7/18/02 – Discussed Jannette correspondence to Jack Diedrich, Diedrich Construction, contractor Wanick Park Pavilion project. Janette reported that the site condition had changed since he verified elevations and submitted a proposal for construction of the pavilion slab. Due to the elevation change, he needed 270 cu. yd. additional of material than the amount proposed. He requested an increase over the proposal to cover the cost of the overrun. Diedrich forward this request to the Village. **Miller moved to deny the request. Laux second. Motion carried.**

- g) Discussion and action to approve Certificate for Payment No. 4 and final payment to Northeast Asphalt for 2002 Asphalt Paving in the amount of \$2000.00 – **Miller moved to approve. Thomson second. Motion carried.**
 - h) Discussion and action to approve Certificate for Payment No. 4 and final payment to Northeast Asphalt for 2002 Curb & Gutter and Asphalt Paving in the amount of \$2000.00 – **Laux moved to approve. Miller second. Motion carried.**
 - i) Discussion and action to approve Certificate for Payment No. 1 for partial payment to Badger Highways, Inc. for paving in Mustang Acres – **Miller moved to approve partial payment in the amount of \$35,422.87. Thomson second. Motion carried.**
 - j) Discussion and action to approve Certificate for Payment No. 2 in the amount of \$18,210.68 for partial payment to Badger Highways for State Park Road Reconstruction and Windswept Lane Paving – **Beach moved to approve. Laux second. Motion carried.**
 - k) Discussion and action to approve Certificate for Payment No. 3 revised in the amount of \$42,845.99 to Reliance Inc. for partial payment for work performed to date – **Beach moved to approve. Miller second. Motion carried.**
 - l) Discussion and action to approve Certificate for Payment No 2 in the amount of \$41,621.86 for final payment to Radtke Contractors for Rip-Rap State Park Estates Ponds – **Miller moved to approve. Thomson second. Motion carried.**
 - m) Discussion and action to approve Certificate for Payment No. 3 in the amount of \$103,171.54 for partial payment to Westra Construction for work at Wanick Park Softball/baseball Field Construction – **Miller moved to approve. Thomson second. Motion carried.**
 - n) Discussion and action to approve Certificate for Payment No. 4 in the amount of \$18,000.00 to Diedrich Construction, Inc. for work completed to date at Wanick park Pavilion – **Thomson moved to approve. Laux second. Motion carried.**
- 10) Village Coordinator
- a) Discussion and action to approve the acquisition of picnic tables, bleachers and team benches for Wanick Choute Park – Van Lieshout estimated the cost at \$12,203. He was directed to purchase 3 row high bleachers to the extent of line item budget. **Thomson moved to approve. Laux second. Motion carried.**
 - b) Discussion and action regarding request from Trustee Zietlow to pay Tom Jack for evaluating trees at Miller and Nuthatch Pond – Zietlow’s written request noted that he initiated this request for payment, not Mr. Jack. Thomson stated that as far as he is aware Jack has not asked for payment and that he was not in favor of setting this kind of precedent. Beach stated that in the past many hours of work on various committees was performed by qualified volunteers without pay, ie. Trustee Laux on the Finance Committee. No motion was forthcoming.

- c) Discussion and action to approve Village health insurance renewal starting 11/1/02 to 10/31/03 – Laux noted that the renewal term ended on 6/30/03 not on 10/31/03 per Network Health Plan agreement with Heart of the Valley Chamber of Commerce. Van Lieshout stated that in the upcoming budgeting period he believes it wise to budget health insurance for all positions to plan for possible changes in staffing. **Miller moved to approve renewal of the current coverage. Laux second. Motion carried.**

11) Presentation of correspondence, resolutions, and related matters

- Responding to Laux re rumored builder bankruptcy, Van Lieshout reported that Doug Davis filed bankruptcy leaving four unfinished spec homes in the Village. Two of these properties, owned by Rothwell Enterprises, were sold and two remain unsold and empty.
- Laux questioned the outcome of complaint that carnival trucks and equipment are being stored in violation of ordinance. Van Lieshout reported sending correspondence to the violator giving until October 2, to remove the vehicles and equipment or be cited.
- Thomson re “Welcome” sign at south end of Village. Van Lieshout reported that placement of the sign was approved by Town of Harrison Town Board and was awaiting approval by Town Board. Regarding “Jake Brake” sign, the DOT is requiring evidence of ordinance allowing signs before they will consider the application to post the sign on state right-of-way. Regarding moving old “Welcome” sign to Hwy M and Kessler Road, application will have to be approved by the DOT as well as by Calumet County. The county has a policy against placing such signage in the county right-of-way.

12) Adjournment – **Thomson moved to adjourn at 9:34 p.m. Beach second. Motion carried.**

Minutes respectfully submitted for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes

October 14, 2002

- 1) Call to Order and Roll Call – Meeting called to order at 6:30 p.m. by President Miller. Roll call:

Present

Bill Barribeau
Joyce Laux
Dave Miller
Carl Thomson
Harland Zietlow

Absent

Joe Beach, Excused
Lynn Milheiser

Others Present

Steven Dozer, Attorney
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk
Bill Diedrick, Public Works Dept.
Scott Nadler, Public Works Dept.
Helen Isferding, Representative, AFL-CIO,
AFSCME

- 2) Pledge of Allegiance
3) Approval of the Agenda – *Barribeau moved to approve agenda. Thomson second. Motion carried.*
4) Approval of Minutes – *Barribeau moved to approve the minutes of September 9, 2002. Miller second. Motion carried.*

Barribeau moved to approve the minutes of the September 16, 2002 meeting. Thomson second. Motion carried.

Laux moved to approve the minutes of September 23, 2002. Thomson second. Zietlow indicated that he wanted the minutes of 10) b) to reflect that he requested that Tom Jack be paid for evaluating the condition of trees at Miller Pond and Nuthatch Pond. Clarification noted. Motion carried.

- 5) Registered citizen comments on agenda items
- Jim Welisek, W4923 Golf Course Road, regarding the status of storm water drainage issues. Miller reported that a committee has been named and will have their first meeting on October 15 to study drainage issues and seek consensus re solutions.
- 6) Consent Agenda - None
- 7) Report of the Plan Commission – None presented.
- 8) Report of Village Officers
- a) President
 - i) Nomination and election of member of Utility Commission for a five-year term beginning October 2002 – Miller stated he has been unable to contact Utility Commission member whose term is expiring. He will return with a nomination at next meeting.

- b) Clerk/Treasurer
 - i) Approve appointment of Phyllis Strine, W4831 Bridle Road, as Election Inspector – ***Barribeau moved to appoint Phyllis Strine, Election Inspector. Zietlow second. Motion carried.***
 - ii) Review Disbursement Register and Financial reports – Reports reviewed and accepted.
- 9) Presentation of Contract for labor from AFL-CIO, AFSCME – Helen Isferding was present and prepared to exchange union contracts in open meeting as required by statute. Dozer stated that it is proposed that the Village and the Utility act as a single bargaining unit for the purpose of negotiating a union contract. However no action has been taken thus far by either Board or Commission. He will recommend that the Village Board meet in closed session to discuss strategy with regard to contract negotiation. The Board is not prepared to present a counter proposal at this time but anticipates being able to do so at the meeting of October 28. After conferring with Diedrick and Nadler, Isferding presented a draft of the union contract, noting that corrections were necessary to bring the contract language in line with existing personnel policy in regard to vacation and holiday policy. The Friday after Thanksgiving holiday and 3 weeks of vacation following 6 years of service are to be added as corrections.
- 10) Village Attorney - Dozer reported sending a letter notifying Ron Hawkinson to come into compliance with court order to keep property free of vehicles in excess of four excluding cube van, storage of which is in violation of ordinance, as well as other violations. Response has not been received nor has Hawkinson come into compliance as of this date. Dozer was instructed to request the court to enforce compliance.
 - a) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.
 - b) Discussion and action to approve amendments to ordinance 94-52 (Nuisances) to regulate the use of compression or “jake” brakes and requiring contractors to sweep public street in front of project site at the end of each day – Dozer recommended that Nuisance Ordinance No. 94-52 should be reviewed and updated by the Board in its entirety and include language regarding street sweeping by contractors if so desired.

First reading of amendment to Ordinance 94-52 regulating the use of compression brakes in emergency only was presented. Responding to Zietlow, Van Lieshout stated that the County Sheriff Department would enforce the compression braking amendment.
- 11) Village Engineer – No report.
- 12) Village Coordinator
 - a) Discussion and action to approve Engineer’s Report and Final Assessment Rate – The report and special assessment roll were reviewed and deferred assessment noted. ***Miller***

moved to accept and approve the report, final rate, and roll. Laux second. Motion carried.

- b) Discussion and action to approve Final Resolution 02-07 Authorizing Public Improvements and Levying of Special Assessments Against Benefited Property – *Miller moved to approve Final Resolution 02-07 Authorizing Public Improvements and Levying of Special Assessments Against Benefited Property, authorized installment payments for a term of five years, and authorized an interest rate of 5.3% per annum on unpaid balance. Zietlow second. Motion carried.*
 - c) Discussion and possible action to amend Ordinance 99-67(Park, Recreation, and Urban Tree Board) to set the rate of and allow per diems for meetings. Following discussion, *Barribeau moved to approve the first reading of an amendment to PRUT Ordinance No. 99-67 allowing per diem payments to PRUT Board members in the amount of \$35.00 per meeting beginning in 2003 and increasing to \$40.00 per meeting beginning with new term in May 2003. Zietlow second. Motion carried with Thomson abstaining.*
 - d) Discussion and action to approve purchasing services for asphalt repair around manholes and water valves from Fahrner Asphalt Sealers, Inc. – *Thomson moved to approve the Fahrner Asphalt Sealer, Inc. proposal in the amount of \$800. for asphalt repair around manholes. Barribeau second. Motion carried.*
 - e) Discussion regarding errors and omissions, general liability insurance for 2003 – Van Lieshout reported notification by League of Wisconsin Municipalities that Kempes Insurance Co., is withdrawing from all municipal coverage. The League has been issued a certificate of incorporation as a mutual insurance corporation and will begin providing insurance coverage to municipalities as of January 1, 2003. The Clerk was directed to gather information regarding the carrier change and make a recommendation to the Board.
 - f) Discussion and action regarding conveyance of Outlot 2 from Sherwood Forest Golf Village – Following discussion *Miller moved to table. Zietlow second. Motion carried.*
 - g) Discussion with David Goeser regarding youth recreation activities – Van Lieshout stated that Goeser, Little League coach, strongly recommends that a paid position be established to take the lead in recreation activities. Miller opined that the Village does not have the target population or the funding sources to warrant a full time position. Zietlow stated that in small communities booster programs often fill these functions. Van Lieshout was directed to contact guidance counselors in local school districts and university intern programs to locate candidates interested in an internship or similar position in recreation program.
- 13) Presentation of correspondence, resolutions, and related matters
- Regarding status of fire protection contract and progress on emergency numbering sign delivery/correct mounting – Van Lieshout responded to questions from Miller that he has no updates to report.

- Regarding jurisdictional matters of fire code enforcement – Van Lieshout reported that the Village has no ordinance or mechanism to enforce building safety and fire codes. Dozer stated that in the absence a municipal code, state codes set the minimum standard.

Thomson made a motion at 8:15 p.m. to move into closed session per State Statute 19.85 (1)(e) as stated above. Miller second. Motion carried.

Miller moved to return to open session at 8:50 p.m. Barribeau second. Motion carried.

14) Adjournment – Zietlow moved to adjourn at 8:50 p.m. Miller second. Motion carried.

Minutes recorded and respectfully submitted for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

October 28, 2002

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m. Roll call:

Present

Bill Barribeau
Joe Beach arrived 7:00
Joyce Laux
Lynn Milheiser
Dave Miller
Carl Thomson
Harland Zietlow

Absent

Steve Dozer, Attorney
Josh Van Lieshout, Coordinator
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 the October 14, 2002 meeting. Thomson second. Motion carried. Milheiser abstained.*
- 5) Registered citizen comments on agenda items
- Jim Welisek, W4923 Golf Course Road. Zietlow responded to Welisek, stating that contracted tree plantings in Detention Ponds Project are accounted for. He commented that two thirds of the trees are dead. Welisek asked for a status report concerning the storm water drainage committee. Miller reported that the committee met for a first time to map strategy for addressing issues and a second meeting is imminent. The committee work is facilitated by Mary Korell, Calumet County Development Office. Welisek asked how input from the public will be received, and was told it can be conveyed through Miller or Van Lieshout. Regarding how eventual payment for projects will be funded Miller stated that will depend on the scope of the project with attention to cause and affect. Miller further stated that input from a broad range of residents is sought by going through this focus committee process.
- 6) Consent Agenda - None
- 7) Report of the Plan Commission
1. Action Items
 - a) Recommended approval to add the following streets to the Official Map following public notice and hearing:
 - i) Meadowcliff Drive extended north to previously mapped Natures Lane
 - ii) Mustang Drive extended west to Meadowcliff Drive
 - b) Directed Coordinator to draft a Memorandum of Understanding with Lakeshore Estates Ltd. regarding development of Lakeshore Estates North requiring completion, approval and acceptance of final plat and improvements by December 31, 2004. Plat should include:
 - i) Extension of proposed street along North line of plat to dedicated parkland to provide public access

- ii) Include stream crossing
- iii) Assurance that oversize credits or payments will not be transmitted without competitive bidding
- c) Directed Coordinator to notify possible developer/s that commercial and multi-family development should be planned to comply with concepts as recorded in the 2000 Village of Sherwood Land Use Plan
- d) Directed continued study of contamination issues affecting possible purchase of sites for downtown redevelopment as described in the 2000 Village of Sherwood Land Use Plan
- e) Directed Coordinator to make contact with appropriate county and municipal personnel regarding downtown redevelopment activities

Zietlow moved to approve the report of the Plan Commission as presented. Barribeau second. Motion carried.

8) Report of the Utility Commission

1. Action Items:

- a) Adjourned at 6:25 p.m. to Lift Station No. 3 for a tour of the reconstructed facility
- b) Reconvened the meeting at 7:25 p.m.
- c) Approved placing unpaid utility balances over 90 days upon the tax role
- d) Approved McMahon Associates, Inc. proposal for Plant Capacity Analysis & Re-rating and Biosolids Management Facilities plan to begin in the month of November and to be completed within 90 days
- e) Approved third and final payment to Advance Construction in the amount of \$5,500 for work performed through October 3, 2002.

2. Discussion Items:

- a) No conclusive evidence was found in the door to door investigation
- b) Request Rosenbeck, Village Engineer, present to the commission by next meeting a sampling plan to begin Spring 2003 which will be included in the Utility Code
- c) Commission would like to see a conservative budget presented as a line item on the November meeting agenda
- d) Commissioners requested Van Lieshout send a letter to Joe & Marianne Thiel and their neighbors concerning annexation to the Village of Sherwood.

Zietlow moved to approve the report of the Utility Commission. Barribeau second. Motion carried.

- 9) Report of the PRUT Board – Discussion regarding a request by the PRUT Board to have oversight authority over public projects which impact PRUT related issues. Zietlow stated that Lee Fredericks has apparently moved out of the Village and suggested Dave Goeser or Scott Sheppard as a replacement.
1. For Information Only
 - a. Recommended adopting a uniform park sign design, purchase and placement of signs in the Village parks. The signage selected was designed by Barry Selton of Wisconsin Signs & Graphics and is to be fabricated of exterior grade plywood, at a cost of \$250 per sign for 4 signs. Milheiser noted that signage at Legion Park is restricted by deed
 - b. Affirmed Village Board discussion regarding the desirability of creating a part-time summer internship position to direct recreation activities in the Village of Sherwood
 - c. Discussion regarding regional tree board meeting
 - d. Discussion regarding trees planted as portion of the detention ponds project
 - e. Discussed rescheduling dedication of Schneider Park to spring 2003 and coordination as Arbor Day celebration activity

Barribeau moved to accept the report of the PRUT Board. Zietlow second. Motion carried.

10) Report of Village Officers

- a) President
 - i) Nomination and election of member of Utility Commission for a five-year term beginning October, 2002 – Miller reported that the seated commissioner has declined reappointment. Miller has contacted an interested person and is awaiting confirmation of his willingness to serve.
- b) Clerk/Treasurer
 - i) Approve appointment of Carol Kloepfel, N7735 Sundown Court as an Election Inspector – ***Barribeau moved to approve. Milheiser second. Motion carried.***
 - ii) Review Disbursement Register and Financial reports – Reports accepted.
 - iii) Action to waive rental fee for the Recreation Center for Sherwood Optimists Santa Workshop and dance – It was the consensus that administrative staff continue to use its discretion regarding fee waivers. ***Barribeau moved to waive the fee for the stated events sponsored by the Optimist Club. Milheiser second. Motion carried.***
 - iv) Discussion and action to place delinquent accounts on the tax role for 2002 – A list of past due accounts was reviewed. One over 90 day past due balance will be put onto the tax roll.

- 11) Village Attorney – Dozer presented the Village's original proposal for Agreement between the Village of Sherwood and Water and Sewer Utility and Local 1362, American Federation of State, County and Municipal Employees, AFL-CIO. The agreement will be conveyed to the union representative and negotiation will be scheduled with Attorney Dozer and

Coordinator Van Lieshout representing the Village. Any negotiated agreement or inability to reach an agreement will be brought to the Village Board for further action. Dozer reported that a request has been received to compensate employees for hourly wages for negotiation time. Such compensation was not included in the Village proposal.

- a) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Not recommended.
- b) Discussion and action to approve amendments to ordinance 94-52 (Nuisances) to regulate the use of compression or “jake” brakes and requiring contractors to sweep public street in front of project site at the end of each day.(Second Reading) – The amendment, approved at the meeting of October 14, 2002 was read a second time.
 - Dozer reported that a motion of contempt of court order will be filed on Hawkinson.

12) Village Engineer – None.

13) Village Coordinator

- a) Discussion and possible action to amend Ordinance 99-67(Park, Recreation, and Urban Tree Board) to set the rate of and allow per diems for meetings.(Second Reading) – The amendment, approved at the meeting of October 14, 2002 was read a second time. Request to include a copy of Ordinance 99-67, Creating a Park, Recreation, and Urban Tree Board for review at a future meeting.
- b) Discussion and action regarding conveyance of Outlot 2 from Sherwood Forest Golf Village. (Tabled October 14, 2002) – **Miller moved to remove the matter from the table. Thomson second. Motion carried.** Van Lieshout reported that he and Thomson walked the wooded property and he believes that it would make a nice park. Florian Schmidt has made it known that the Sherwood Forest Ltd. Development Agreement stipulates that park land must be dedicated to the Village and that Outlot 2 is conveyed according to the contract. Dozer confirmed Beach’s opinion that in fact the Village has the right to accept or reject land conveyance. The attorney was asked to review the agreement. The matter will be returned for future discussion/action.
- c) Discussion regarding preliminary 2003 General Fund Budget – A preliminary budget was presented. A special meeting to review the budget was scheduled for November 6, 2002 with a public hearing and final approval of an Ordinance to Appropriate Funds to be subsequently scheduled.

14) Presentation of correspondence, resolutions, and related matters

- Milheiser inquired about the status of Railroad Street. Van Lieshout reported that there is no legal description or any easement conveying the right-of-way to the Village. The Village has no legal means to force [Ken] Kress to allow access to the road for maintenance or other purposes. Mertens need to arrange with Kress for an easement. Milheiser suggested that Van Lieshout search easements recorded on deeds under the

name of Michael Hungerford a previous owner of property located on what is popularly known as Railroad Street. A similar issue was raised in the early 1980s and an easement may have been recorded at that time.

- Beach stated that the United States flags should be either taken down at sunset or lighted.
- Milheiser stated a pressing need for a caution sign at the Christ the King driveway access to Highway 114/55. Van Lieshout will apply to the state for approval to mount a sign on the state right-of-way.
- Barribeau requested clean-up of the area around the yard waste dumpsters in the parking lot of the Rec Center.
- Beach stated that the lights in the new park pavilion are lit for an unwarranted amount of time. Van Lieshout will look into the matter.

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

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

November 6, 2002

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m. at the Sherwood Plaza/Recreation Center. Roll call:

Present

Bill Barribeau

Joe Beach

Joyce Laux

Dave Miller

Carl Thomson

Absent

Lynn Milheiser

Harland Zietlow, Excused

Others Present

Steve Dozer, Attorney

Josh Van Lieshout, Coordinator

Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Beach second. Motion carried.*
- 4) Registered citizen comments on agenda items – None.
- 5) Discussion and action regarding 2003 Budget – The 2003 budget was discussed in detail by account line with changes to the preliminary general fund budget directed as follows:
- Add percent of increase/decrease column to indicate change from 2002 adopted budget.
 - Correct 2002 projected amount in clerk/treasurer wages to end of year.
 - Change description of new administrative employee to indicate major job function.
 - Redefine administrative job descriptions to distribute responsibilities.
 - Change percentage distribution of administrative labor between village and utility to accurately allocate true labor cost to utility.
 - Use a package of bonus payments and percentage increase to remunerate the clerk/treasurer and coordinator for hours worked and level of responsibility while stabilizing pay scale of positions.
 - Investigate the reasoning for increase in proposed audit expenditure.
 - Investigate possible cost of radar detection sign device.
 - Reduce hours/fringes of part-time public works position to a limited term summer position or shared LTE position.
 - Transfer undedicated fund balance as necessary to reduce budget impact on mill rate while maintaining an adequate reserve.
- 6) Presentation of correspondence, resolutions, and related matters – None.
- 7) Adjournment – *Barribeau moved to adjourn at 10:06 p.m. Thomson second. Motion carried.*

Village Board Meeting Minutes

November 11, 2002

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

Present Bill Barribeau Joe Beach Joyce Laux Dave Miller Carl Thomson	Absent Lynn Milheiser Harland Zietlow, Excused Others Present Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
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- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Thomson second. Motion carried.***

- 4) Approval of Minutes – No minutes were presented for approval.

- 5) Registered citizen comments on agenda items
 - Thomas Schuler and Robert Wittmann were present representing Lakeshore Estates Ltd. regarding agenda items 7) 1.) a) & b)

 - Roger Kaas, W4840 Escarpment Terrace. re agenda item 11) a) and 7) 1.) d). Kaas inquired as to the current status of the Jacobs property [located adjacent to the vacant Mobil Mart property]. Van Lieshout reported that the Jacobs property is reportedly sold. Regarding budgetary matters, Kaas commented that creating a Village website and expanding electronic communication capabilities would be a worthwhile public relations investment.

- 6) Consent Agenda – None.

- 7) Report of the Plan Commission – November 4, 2002
 1. Action Items
 - a) Recommended approval of the final plat of Lakeshore Estates West II – Van Lieshout noted that the utility plans and storm water management plans have not yet been approved. ***Barribeau moved to accept the recommendation and approve the final plat of Lakeshore Estates West II conditioned on approval of the utility and storm water management plans. Miller second. Motion carried.***

 - b) Recommended approval to annex property lying in the Town of Harrison (requires adoption of an ordinance) – An ordinance to annex property was read.

 - c) Recommended not to object to a CSM located in the SE ¼ of the SW ¼ Section 24, Town 20 North, Range 18 East Town of Harrison provided only one access to Pigeon Road will service both parcels. (Requires receipt of a deed restriction or covenant with the property prohibiting more than one driveway) – ***Barribeau moved to approve the CSM with a condition that street access be limited to one serving both lots. Thomson second. Motion carried.***

- d) Recommended purchase of the former Wink-Mart property. This acquisition would be the first piece involved in relocating Clifton Rd. – **Miller moved to table. Barribeau second. Motion carried.**
- e) Recommended the Village contract with Vandewalle & Associates in 2003 for detailed concept planning in future planned growth areas identified by the 2000 Village Land Use Plan. This is to ensure the Village grows in a fashion that satisfactory now and in the future – **Barribeau moved to approve recommendation to contract with Vandewalle & Associates for detailed concept planning. Laux second. Motion carried.**
- f) Recommended the Village contract in 2003 with Vandewalle & Associates for concept renderings of a redeveloped “downtown” Sherwood – Beach stated that the Village should consider creating a TIF District to finance downtown redevelopment. He stated that DOT approval of plans for reconstruction of Harrison Road/Clifton Road should be obtained before investing in land for downtown redevelopment and that total cost of project should be established including land purchase, site demolition and removal of material. In addition Beach opined that contaminated soil from the Wink Mart site should be removed. **Barribeau moved to approve the recommendation to contract with Vandewalle & Associates for concept renderings of a redeveloped downtown. Miller second. Motion carried with Beach voting nay.**
- 8) Report of Village Officers
- a) President
- i) Nomination and election of member of Utility Commission for a five-year term beginning October, 2002 – **Miller nominated Jim Rath for the position of Utility Commissioner. Barribeau moved to approve the nomination. Thomson second. Motion carried.**
- b) Clerk/Treasurer
- i) Review Disbursement Register and Financial reports – Reports were presented and accepted.
- 9) Village Attorney – No report.
- 10) Village Engineer – No report.
- 11) Village Coordinator
- a) Discussion and action regarding the 2003 Village Budget
- General discussion regarding the costs of creating an information web-site and expanding e-mail capacity. Barribeau suggested that services may be available from the county IT office to create a web-site. The Coordinator was directed to gather information regarding increasing the electronic capabilities of the Village.
 - Barribeau asked that the new position noted in the proposed budget should be more accurately described as receptionist.

- Laux sought assurance that administrative labor will be redistributed between the Village and Utility to more accurately allocated those costs.
 - Beach suggested adding an amount to donations budget to provide a monetary award to the volunteer fire department “Fire Fighter of the Year”. Reduction of the donation budget earmarked for First Responder equipment was discussed as a means of funding a fire fighter award. Van Lieshout was asked to determine amounts awarded by comparative communities.
- b) Discussion and action to approve the installation of a culvert between lot 21 Lakeshore Estates II and Lot 1 CSM 2101 – Van Lieshout noted Engineer Rosenbeck’s letter recommending as follows:
- The dedication of an easement on both lots for construction and maintenance of the storm sewer and for filling of the existing ditch line. Van Lieshout stated he was unable to find affidavit of easement. Barribeau stated that this easement is already on file.
 - The existing ditch line should be graded to allow water to flow in the swale above the storm sewer line should inlets become plugged. This would provide a surface overflow system.
 - Construction materials and practices should conform to Village standards.

Responding to Beach, Van Lieshout noted precedent approvals for ditch enclosures have been granted over the years. Recently a property owner on Windsor Court was required to maintain the enclosure by written agreement. According to plat language and Ordinance 55, if property owner is not compliant, the Village may perform the maintenance and assess costs to the benefiting property owner/s. ***Miller moved to approve ditch enclosure request for Lot 1 of CSM 2101. Thomson second. Motion carried. Barribeau abstained.***

12) Presentation of correspondence, resolutions, and related matters

- Thomson noted that conveyance of Outlot 2 from Sherwood Forest Golf Village should be returned to the next meeting agenda.
- Beach requested that the flags be lowered and raised each day until the American Legion completes the lighting project. He also suggested that when the lights are installed they be powered from adjacent light poles and timed to go on with the street lights.
- Laux inquired whether mud flaps are required on trucks that haul gravel. Beach responded that they are not required.

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

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes

November 25, 2002

- 1) Call to Order and Roll Call – M President Miller called meeting to order at 6:34 p.m. Roll call:

Present Bill Barribeau Joe Beach Joyce Laux Lynn Milheiser Dave Miller Carl Thomson Harland Zietlow	Others Present Gary Rosenbeck, Village Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
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- 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 the meeting of October 28, 2002. Thomson second. Motion carried.
Barribeau moved to approve the minutes of the meeting of November 6, 2002. Thomson second. Motion carried. Milheiser abstained.
Barribeau moved to approve the minutes of the meeting of November 11, 2002. Thomson second. Motion carried. Milheiser abstained.

- 5) Registered citizen comments on agenda items – None

- 6) PUBLIC HEARING: On the Proposed 2003 Budget of the Village of Sherwood. This hearing has been published and posted pursuant to Sec. 65.90 of the Wisconsin Statutes – Following three calls for public comment and hearing none, Miller announced the public hearing closed at 6:38 p.m.

- 7) Discussion and action to adopt the 2003 Budget for the Village of Sherwood – Laux stated that she couldn't support an increase in taxes to pay for additional personnel. She stated that increased population, which in turn was caused by tax incremental finance growth, caused the need for more personnel. Van Lieshout explained that the two new positions referred to are one full-time office assistant (fifty percent of wage to be paid by the Utility) and one-quarter time (646 hour) limited term (summer) public works employee/s. The planned office employee would handle reception duties, payment receipting, information processing, typing, and other general office work. The public works employee would handle athletic field preparation and grooming, mowing and trimming, building and equipment cleaning and maintenance, and general labor responsibilities.

Laux stated that when the TIF was created she did not anticipate an increase in cost of service delivery due to increased growth. Miller stated that growth translates into increased cost as well as increased tax base. He said he did not recall any promise when the TIF was created that costs would not rise with growth. Beach stated his expectation that cost of increased service delivery would be paid by TIF funds. Milheiser stated that the Utility

Commission felt that increases in the Utility administrative budget was not discussed prior to the beginning of their budget process. She also stated that there was not accountability for time allocated to the utility by the coordinator and clerk/treasurer positions. Zietlow questioned whether authorizing overtime pay for hours needed to accomplish additional workload would be more cost effective than hiring more staff. Van Lieshout responded that the administrative workload has been managed to this point by the salaried coordinator and clerk/treasurer working unpaid hours overtime. He said that payment of overtime wages to these staff would not be cost effective. On the public works side the anticipated additional work has been previously left undone. Additional methods of managing workload were discussed. Milheiser and Zietlow stated their preference for using summer help or interned labor to accomplish the public works tasks. Beach noted the \$13,000 increase in fire protection costs. Van Lieshout responded that these cost are based on a newly negotiated fire protection contract that apportions fire protection costs by percentage of the equalized value of each town/municipality served. Calling attention to changes in the tax rate since 1992 and comparative percentage increases in other local municipalities, Miller noted that the 2.8% increase in the assessed rate was within reason. ***Barribeau moved to adopt the 2003 Budget for the Village of Sherwood. Miller second. On a roll call vote Barribeau, Beach, Miller, Thomson voted aye. Laux, Milheiser, Zietlow voted nay. Motion carried.***

- 8) Discussion and action to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 02-77 – ***Laux moved to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 02-77. Thomson second. Motion carried.***
- 9) Discussion and action to adopt Ordinance 02-77 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2003 Budget – ***Miller moved to adopt Ordinance 02-77 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2003 Budget. Barribeau second. On a roll call vote Barribeau, Beach, Miller, Thomson voted aye. Laux, Milheiser, Zietlow voted nay. Motion carried.***

10) Consent Agenda – None

11) Report of the Utility Commission – November 18, 2002

1. ACTION ITEMS:

- a. Conditional approval for water and sewer construction plans for Lakeshore Estates West II subdivision. Schuler and Associates, Inc., developer, must comply with the thirteen recommendations McMahan Associates, Inc, engineer, submitted to the Utility Commission. The recommended changes are to be incorporated into the design as suggested by Gary Rosenbeck, McMahan Associates, Inc.

2. DISCUSSION ITEMS:

- a. Gary Rosenbeck, Engineer, sent two filter samples to CH Diagnostic and Consulting Service, Inc. in Loveland, Colorado. The first sample was Raw Water #5 & #6. The second sample was Booster Filter. Both reports indicate no presence of Crustaceans. Comments on both reports state: “Score: 0-Low Risk per EPA Consensus Method. No Copepods or eggs observed.”

- b. Gary Rosenbeck, Engineer, presented 2003 Water Quality Investigation, Sampling, & Testing Protocol per request of the Utility Commission. The tests would be conducted once a month during March, April, and May and every two weeks from June 15th through August 15th. Samples will be conducted at Booster Discharge, Raw Water Discharge, and in Distribution system. Commissioners in attendance recommended Rosenbeck present the modified plan to the entire Utility Commission at the December 16th meeting.
- c. Commissioners asked Van Lieshout, Coordinator, to request the village attorney to draft an ordinance requiring private irrigation systems for new and existing homes to be licensed and permitted with annual inspections to be conducted. The Commissioners requested the ordinance be presented to the Utility Commission for consideration at the December 16th meeting and to the Village Board in January or February.
- d. Chad Olsen, McMahon Associates, Inc. discussed project updates for the Plant Capacity Analysis and Biosolids Facilities Plan Amendment.
- e. Reviewed 2003 Utilities Budget and discussed 2003 Capital Projects.
- f. Mr. James Rath was introduced as a new Utility Commission appointee. Mr. Rath replaces Utility Commission Chairman Tim Koffarnus. A new Chairman will be appointed at the December 16th meeting.

Barribeau moved to accept and approve the report of the Utility Commission. Milheiser second. Motion carried.

12) Report of Village Officers

- a) President – Miller distributed a proposal from Roger Kaas to create and maintain a Village website. Following discussion it was requested that matter be placed on a subsequent agenda
- b) Clerk/Treasurer
 - i) Review Disbursement Register and Financial reports – Reports reviewed.

13) Village Attorney – No report.

14) Village Engineer

- a) Discussion and action to approve the Certificate of Substantial Completion or Lift Station No. 3 – Rosenbeck stated that approval would acknowledge the date that the lift station went into service and trigger the one-year warranty period. ***Milheiser moved to approve the Certificate of Substantial Completion or Lift Station No. 3. Barribeau second. Motion carried. Beach abstained.***
- b) Discussion and action to assess damages to J&E Construction for failure to complete construction in accordance with the contract – Rosenbeck explained that the Village sustained costs to facilitate completion of the Pigeon Road Reconstruction project. The contracted completion date was June 28, 2002. The contractor was then notified of an

extension to August 16 and the contract was finally completed on October 4, 2002. ***Laux moved to assess liquidated damages totaling \$9,600, per contract with J & E Construction at a rate of \$200 per day for 48 days between August 16 and October 4, 2002. Milheiser second. Motion carried.***

- Rosenbeck reviewed the status of TIF project contracts, payment authorizations, and retainages.

15) Village Coordinator

- a) Discussion and action to allow snowmobile trail to cross Plaza / Recreation Center parcel – ***Milheiser moved to approve the snowmobile trail on condition that the Snowmobile Club groom the crossings after use. Thomson second. Motion carried.***
- b) Discussion and action to approve agreement for installation of flag lights – A proposal from Suburban Electric totaling \$1,066 for installing two flag lights was discussed. Van Lieshout reported that WE Energies would charge \$350 per light installation. Zietlow stated that he believes the installation can be accomplished at little or no cost with volunteer or reduced rate labor and that he believes the American Legion is willing to coordinate the effort. The trustees agreed that the American Legion alternative was preferable.
- c) Discussion and action on a franchise renewal proposal from Time Warner Cable – In the absence of the attorney this business will be taken up at a future meeting.
- d) Second reading and action to adopt an ordinance annexing territory located in the NW ¼ of the of Section 25 Town 20 North Range 18 East ,Town of Harrison, Calumet County Wisconsin – ***Laux moved to approve. Milheiser second. Motion carried.***

16) Presentation of correspondence, resolutions, and related matters

- At the request of the trustees Ordinance #99-67 creating the Park, Recreation, and Urban Tree Board was presented.

17) Adjournment – ***Milheiser moved to adjourn at 8:41 p.m. Thomson second. Motion carried.***

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes

December 9, 2002

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m. Roll call:

Present

Bill Barribeau
Joe Beach
Lynn Milheiser
Dave Miller
Carl Thomson
Harland Zietlow

Absent

Joyce Laux - Excused

Others Present

Steven Dozer, Village 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 – None
- 5) Registered citizen comments on agenda items – None
- 6) Consent Agenda
- a) Approval of an operator’s license for Connie Houck – *Barribeau moved to approve issuing operator’s license to Connie Houck. Thomson second. Motion carried with Milheiser abstaining.*
- 7) Report of the Plan Commission – December 2, 2002 – No action required.

ACTION ITEMS

- a) Moved to approve amending the Village Zoning Ordinance allowing as a principle use in the R-2, R-3, R-4, IR-2 zoning district single family shared wall lots and construction with language written by the village attorney. Publication of hearing will need to occur prior to action.

DISCUSSION ITEMS

- b) Ms. Amy Colwell, W5114 Blue Heron Court, new resident, requested to amend section 3-1(C)(b)(3) permitting as a principal use in the R-2, R-3, R-4, IR-2 zoning district shared wall, single family lots and construction (zero lot line). The residence above mentioned is currently classified as a duplex. Ms. Colwell is purchasing her half of the duplex. She is concerned with the “common ground” (backyard) referenced in her condo association agreement. She has studied other communities’ zoning ordinances and has found the zero lot line zoning could clear any common ground liability question.
- c) The approved ordinance will refer to the zero lot line construction as Twin Home construction. A certified survey map will be required if the divisions were not arranged for on the recorded plat. The lot must have been previously planned for a duplex or two family dwelling. The sum of the lot areas must have met the minimum frontage and area requirements for a two family home in that district. Like colors and building materials will be required for both sides of the Twin Home. Each side of the Twin Home will have separate utility connections and meters in service. Each property owner is responsible for coordinating property maintenance responsibilities with the adjoining twin home unit.

2)

- b) Mike Cashman, Keller Structures and J.D. Grishaber presented a concept plan to develop property located at the northeast intersection of STH 55 & 114 owned by Grishaber. Planning Commissioners questioned who was going to service utilities for the development, does the village have the capacity, does the DOT have any concerns with the location, is annexation to the Village of Sherwood a possibility? Currently, the Village of Sherwood does not have utility service to the location nor does the project lie within the service area but is in the planning area. The property is located in the Town of Harrison. The DOT will not allow access onto Highway 114/55. The concept plan has one exit onto Highway 55. The Village of Sherwood utility services are currently at capacity. Planning Commissioners agreed Van Lieshout should discuss the possible development with DuWayne Klessig, Calumet County Director of Planning, Zoning, and Sanitation and Vandewalle & Associates.
- 8) Report of Village Officers
- a) President – None
 - b) Clerk/Treasurer – Maxymek noted a request for a contribution to the annual Heart of the Valley “Fun Nite”, stating that in past years a \$25.00 gift certificate has been donated.
 - i) Review Disbursement Register and Financial reports – No report
- 9) Village Attorney
- a) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting – Recommended moving to closed session after other business concluded.
- Dozer reported that all requested materials have been provided to the Calumet County District Attorney’s office in connection with investigation.
 - A court hearing has been scheduled on December 20, 2002 after service of notice to Ronald Hawkinson re contempt of court order.
- 10) Village Engineer – Van Lieshout called attention to correspondence regarding a change order totaling \$2,970 increase in the general construction contract for lift station #3 reconstruction. He also reported a certificate for payment #2 to Werner Electric in the amount of \$25,652.40 for variable frequency drive equipment, part of lift station #3 reconstruction.
- 11) Village Coordinator – Nothing to report.
- 12) Presentation of correspondence, resolutions, and related matters
- Zietlow stated that the American Legion estimates it will be able to install lighting at the flagpoles for less than \$100. They will move forward with this project in the spring. Flags will be removed for the winter period.
 - Thomson reported a parked vehicle which appears to be violation of the zoning ordinance.

- ***Miller made motion at 6:48 p.m. 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. Thomson second. Motion carried.***
- ***Miller moved to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Thomson second. Motion carried.***

13) Adjournment – ***Barribeau moved to adjourn at 7:36 p.m. Beach second. Motion carried.***

Minutes respectfully submitted for approval by Ellen Maxymek, Village Clerk