

## Village Board Meeting Minutes January 12, 2004

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

<b>Present</b>	<b>Others Present</b>	
Bill Barribeau	Josh Van Lieshout, Coordinator	
Joe Beach	Ellen Maxymek, Clerk	
Barb Jack		
Roger Kaas		
Joyce Laux		
David Miller		
Carl Thomson		
  
- 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 December 8, 2003 meeting. Thomson second. Kaas noted a correction to agenda item 8)a) to read...the pond will be maintained at an elevation of 788 ft. above mean sea level. Motion carried.*  
  
*Barribeau moved to approve the minutes of December 26, 2003. Laux second. Motion carried.*
  
- 5) Registered citizen comments on agenda items – None.
  
- 6) Consent Agenda
  - a) Operator License
    - i) Jennifer Zeamer – *Thomson moved to approve operator’s license. Kaas second. Motion carried.*
  
    - ii) Mitchell E. Nabbefeld (Appeal 12-22-03 Decision) – Nabbefeld requested that his application for an operator’s license be reconsidered, saying that, although he made serious mistakes as a youth, he is now a contributing member of society and employed as an emergency medical technician and volunteer firefighter. *Barribeau moved to approve the appealed application for an operator’s license. Miller second. Motion carried.*
  
- 7) Report of the Plan Commission
  - 1) **Action Items**
    - a) Approved Comprehensive Planning Public Participation Plan, fulfilling the first step in the comprehensive planning process – *Barribeau moved to approve the recommendation of the Plan Commission. Laux second. Motion carried.*
  
  - 2) **Discussion Items**
    - a) Reviewed 2003 Building Permit Data. Seventy new one and two family building permits were issued with a reported value of 11.7 million dollars. One commercial permit was

issued with a reported value of .4 million dollars. The total value of all improvements to all structures in the Village was 12.3 million dollars.

8) Report of Village Officers

- a) President – Miller reported that Pat Wnek has submitted materials to the parish council of Edwinstowe, England for consideration of that village as a twin city to the Village of Sherwood. He also encouraged participation in Winterfest activities sponsored by the Friends of High Cliff State Park during the upcoming weekend.
- b) Clerk/Treasurer
  - i) Review Financial reports – Reports reviewed.

9) Village Coordinator

- a) Complaints and Compliments – Complaint from Lee Franzen, W5160 Harbor Court, that a sprinkler head was broken off by snow plow. Van Lieshout will inspect damage and suggest an equitable resolution if warranted. However the sprinkler head should not be located in the Village right-of-way and if that is the case no compensation would be made.
- b) Discussion and action to approve a service agreement with Ehler's and Associates, Inc. for financial services related to financing of golf course improvements and development agreement – Beach stated concerns relative to securing the improved property for long term use as a golf course. Van Lieshout stated that Attorney Chuck Keuler would draft a financing and development agreement to protect the interests of the Village. ***Laux moved to approve a service agreement with Ehler's and Associates, Inc. for financial services related to financing of golf course improvements and development agreement. Miller second. Roll call vote. Barribeau, Jack, Kaas, Laux, Miller, Thomson voted in favor. Beach voted against. Motion carried.***
- c) ***At 7:30 p.m. Miller made a motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation. Roll call. Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. Motion carried.***

***At 9:10 p.m. Miller moved to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Roll call. Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. Motion carried.***

- d) Discussion and action regarding employment promotion and compensation of non-represented employees (previously tabled) – ***Kaas moved to approve 3% salary increases for non-represented employees as of January 1, 2004. Thomson second. Motion carried.***

***Miller moved to award a merit payment in the amount of \$1,500 to Coordinator Van Lieshout and \$1,000 to Clerk/Treasurer Maxymek, recognizing their dedication and efforts on behalf of the Village. Beach second. Motion carried.***

***Beach moved to pay retirement benefit at 100% employer contribution retroactive to January 1, 2003; employer paid short-term disability benefit; three weeks of paid vacation upon five years of service and four weeks of paid vacation at ten years of service. Thomson second. Motion carried.***

***Laux moved to adjust the coordinator position job description to include responsibilities as emergency management director. Miller second. Motion carried.***

10) Presentation of correspondence, resolutions, and related matters

- Kaas and Van Lieshout noted intent to attend a Fox-Wolf Watershed Alliance workshop on February 12 and 13, 2004.
- Miller called attention to a memo from Jack's Lawn & Landscape, Inc. which noted the available services and prices of the certified arborist business.
- Responding to Barribeau, Van Lieshout reported that Developers Petrie of Mustang Acres II and Resch of State Park Estates IV caused stone to be placed on streets of the subdivisions under construction prior to completing the punch list items regarding road subgrades noted during walkthrough inspection. Engineer Rosenbeck, per his letter dated January 8, 2004, is not satisfied that the ongoing work is in conformance to Village requirements. Van Lieshout stated that it is likely that the developers will be asked to remove the stone.
- Barribeau inquired how a citizen could get a hot water tank removed to a dump. Van Lieshout suggested he call the dump-site to determine their open hours. Maxymek stated the resident could also contact Onyx-Superior to make arrangements for a special pick-up or can wait until the Spring clean-up.
- Miller requested that Van Lieshout attend the noticed Town of Harrison meeting to discuss its proposed recreational trail network.
- Van Lieshout presented a draft of Fox Cities Chamber of Commerce strategy paper regarding a Regional Business/Industrial Park.
- Kaas inquired about progress on Internet services and web-site development. Van Lieshout reported he has been in contact with Athenet Data Exchange of Appleton. Athenet does not provide high-speed DSL or cable service in the Sherwood area. The company provided insights to possible security lapses with cable Internet. Van Lieshout also learned that web-site hosting cannot be broken out of proposals for service.

11) 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 January 26, 2004

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:33 p.m. Roll called:

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Roger Kaas  
Joyce Laux  
David Miller  
Carl Thomson

**Others Present**

Gary Rosenbeck, Village Engineer  
Josh Van Lieshout, Coordinator  
Ellen Maxymek, Clerk/Treasurer

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve. Kaas second. Motion carried.*
- 4) Approval of Minutes – *Barribeau moved to approve minutes of January 12, 2004. Kaas second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Joan Petrie, N7986 Stommel Road, represented the Sherwood Lioness Pride in a request for donated use of the Community Center for Lioness meetings.
  
  - David Petrie, N7986 Stommel Road. Developer Petrie stated that he caused Mustang Drive in Mustang Acres II to be graded with stone before the road base was final inspected and approved by the Village engineers. He said that the development engineer, Bill Guiliani, has a record of the sections of road needing correction. He will, with the Board's approval, have the stone removed at those points, correct the grade, and replace the stone. Petrie stated that he prematurely placed the stone in an effort to beat the onset of winter temperatures. He continued, saying that he has sold lots on which owners will be anxious to build in early spring.

Miller stated that the Village has been put in the middle between developers and anxious builders/property owners in the past. He stated that the Village should be firm in enforcing the standards, consistent in expectations between developers, and that Petrie should demonstrate conformance to the standards and specifications of the Village to the satisfaction of the Village Engineer and Board.

Van Lieshout recapped, saying that at a pre-construction conference the developer and his engineer were made fully aware of Village specifications for roads and the expectation that construction will be inspected and approved by Village engineers before proceeding to next stage of construction. Walkthrough inspection of the sub-grade was done and deficiencies were noted. However, stone was placed before re-inspection. Guiliani told Van Lieshout that he was not aware the stone was laid and had not certified the construction. Village Engineer Rosenbeck attested that the Village has a simplified process of infrastructure development but if it is not working the Village may need to toughen its standards. Rosenbeck and Van Lieshout stated in

regard to the matter at hand that Petrie and his engineer should develop a plan of corrective action and submit it for approval.

- 6) Consent Agenda
  - a) Operator License
    - i) Teresa Anderson – ***Barribeau moved to approve issuing an operator’s license to applicant Anderson. Thomson second. Motion carried.***
- 7) Report of the Utility Commission – January 19, 2004 – ***Kaas moved to accept the report and approve actions items a) b) and c). Miller second. Motion carried.***
- 1) ACTION ITEMS:
  - a) Commissioners approved the 2004 Sewer Operating Expenses with amendment to increase Main Lift Station budget amount to reflect past two year’s over-budget amount.
  - b) Commissioners approved the acceptance of the agreements for professional services from McMahan Associates, Inc for designing sewer and water impact fees.
  - c) Commissioner approved a four-year lease of a 2004 Ford Ranger Pick-up from Les Stumpf Ford for the utilities.
- 2) CONSENSUS ITEMS:
  - a) Commissioners suggested a message from the Village Coordinator be placed in the second quarter Village newsletter. The survey style message shall be in regards to the possibility of switching from Monthly utility billing to Quarterly. The message shall explain the approximate savings to the Village if billing were conducted quarterly rather than monthly. The survey shall request customer input.
  - b) Commissioners agreed that the Village should proceed with the acquisition of a 20’ x 20 parcel of land from Sherwood Forest Golf Course to place the approved permanent generator at the Main Lift Station. At the December 2003 meeting, Commissioners requested that the land acquisition and the purchase of the permanent generator be put on hold pending further information from the Engineer regarding possible grant money. In January 2004, the Engineer informed the Village Coordinator that further information might not be available until next year.
- 3) DISCUSSION ITEMS:
  - a) Commissioners suggested that the Elevated Storage for lower Village be scheduled in the “5-10 Years” of the Water Capital Projects Budget Plan rather than the > 10 Years schedule. The Commission’s suggestion is based upon the “Trigger Event” stated on the Plan, “When existing system cannot support (population 3,000) growth in lower Village. Commissioners estimate that the Village population may reach the 3,000 level within 5-10 years.
  - b) Commissioners requested that the Utility technician prioritize the manhole repair list by need and present associated cost estimates for rehabilitation by the February Utility Commission meeting.

- c) Commissioners request that the Engineer bring the Commission up-to-date on the Water Source Study.
- 8) Report of Village Officers
- a) President – Miller reasserted that the Board should remain firm in enforcing the standards for development.
  - b) Clerk/Treasurer
    - i) Review Financial reports – Reports were reviewed.
- 9) Village Engineer
- a) Discussion regarding storm water utility necessity report – Rosenbeck reviewed his analysis of potential user charges that would be required to support a storm water utility. The analysis employed two methodologies of calculation each concluding with the same results. Future capital costs will be driven by development and will be supported in part by developers and future users. While a utility user fee of \$12 per month could support storm water management needs, an overwhelming need to form a utility was not established. Because there are few tax-exempt properties in the Village a tax levy approach to fund storm water management needs appears to be an equitable approach. Rosenbeck reported that his analysis showed that a small upward change to the current developer paid storm water management fee of \$2,000/acre is warranted. Coordinator Van Lieshout will take steps to amend the stormwater management section of Subdivision Ordinance #38.

In response to an inquiry from Beach, Rosenbeck was unable to determine a means to impose stormwater management fees on future annexations of small parcels.

- b) Discussion regarding storm water capital improvement cost allocation plan – Rosenbeck reviewed his correspondence of January 16, 2004, regarding Miller Pond Outfall Sewer. In regard to the over-sizing of the outfall sewer to accommodate outflow from the detention basin being planned to serve the proposed Lakeshore Estates East Subdivision, the Village's assessment policy does not adequately address the allocation of capital costs. He outlined the following methods to allocate costs for this situation:
  - Percentage of Use: Allocate the capital cost to benefited users on the basis of use.
  - Incremental Cost: Allocate only the cost to increase the capacity of the system to serve other users.

***Barribeau moved to change the Village Assessment Policy and adopt the Incremental Cost Method to allocate only oversize costs to increase the capacity of storm sewer systems. In the case of Lakeshore Estates East, a developer's agreement will be drafted in which the developer will waive the special assessment procedure. Kaas second. Motion carried.***

- c) Discussion and action to approve an agreement for services for the purposes of developing a storm water utility (tabled 12-22-03) – In the light of discussion under item a) above, no motions were forthcoming.

- d) Discussion and action to approve Change Order Number 3 a deduction in the total contract amount for 2003 asphalt paving program in amount of \$6,877.51 – ***Barribeau moved to approve Change Order Number 3 to the 2003 Asphalt Paving Contract. Thomson second. Motion carried.***
- e) Discussion and action to approve the third and final contract payment of \$9,342.77 to Badger Highways Company, Inc. – ***Thomson moved to approve the final payment of \$9,342.77 to Badger Highways Company, Inc. Kaas second.*** Barribeau questioned whether this included payment for Harbor Court, which was paved in error by the contractor. This road was to be included in the 2004 paving program and special assessment process. ***Kaas withdrew his motion to approve.***

10) Village Coordinator

- a) Complaints and Compliments – Van Lieshout reviewed.
- b) Discussion and action to approve 2004 Street Paving Program – ***Thomson moved to approve the 2004 Street Paving Program deleting Creekside Drive, Harbor Court, Mustang Drive, Questa Court, and State Park Road. Miller second. Motion carried.***
- c) Discussion and action to approve revised Coordinator Position Description – ***Laux moved to approve the revised Coordinator Position Description modifying item #10 Attend and support meetings of the Plan Commission, Utility Commission, and PRUT Commission.***
- d) Review and discussion of Village Board Priorities for 2004 – The Board directed Van Lieshout to return with a list of goals for Board review and prioritization.
- 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 – No recommendation.

11) Presentation of correspondence, resolutions, and related matters

- Kaas shared performance review format.
- County/Municipal Intergovernmental Meeting for Mayors, Town Chairs, and Village Presidents, February 12, 2004 was noticed.
- Calumet County Resolution 2003-31 supporting municipal employment relation reforms – AB598 was made available for review.
- TIF legislation Senate Bill 305 was presented for review. The Coordinator was directed to make legislative contacts urging a favorable vote on Senate Bill 305 on behalf of the Village Board.

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

Respectfully submitted for approval by Ellen Maxymek, Village Clerk

## Village Board Meeting Minutes February 9, 2004

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:33 p.m. Roll call:

<b>Present</b>	<b>Others Present</b>	
Bill Barribeau	Gary Rosenbeck, Village Engineer	
Joe Beach	Josh Van Lieshout, Coordinator	
Barb Jack	Ellen Maxymek, Clerk/Treasurer	
Roger Kaas		
Joyce Laux		
David Miller		
Carl Thomson		
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve agenda. Kaas second. Motion carried.*
  
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of January 26, 2004 meeting. Kaas second. Motion carried.*
  
- 5) Registered citizen comments on agenda items – None
  
- 6) Report of the Plan Commission – *Barribeau moved to accept the report of the Plan Commission meeting of February 2, 2004, specifically approving action items a) and b). Laux second. Motion carried.*
  - 1) Action Items
    - a) Recommended approval of the street lighting plan for State Park Estates IV
  
    - b) Recommended acceptance of a quit claim deed from the State of Wisconsin for the former rail right of way between Pigeon Road and Stommel Road.
  
  - 2) For Information Only
    - a) Due to an inquiry from a property owner, the Plan Commission will consider amending Zoning Ordinance #65 regarding the maximum number and square footage of accessory structures. The Code Administrator was directed to draft such an amendment.
  
    - b) Heard a request from a representative of Friends of High Cliff to pave a section of Village trail along State Park Road and through High Cliff Cemetery in order to interconnect with the Butterfly Pond Trail in High Cliff State Park.
  
    - c) At the request of developer discussed viability of condominium development on Meadowcliff Drive versus apartments. Commissioners stated that the issue is not that of rental or condo development but rather the impact of multi-unit development on drainage and traffic.



- 7) Report of Village Officers
- a) President – Miller commended the Public Works crew on their snow plowing efforts during this winter of frequent and heavy snow falls. Van Lieshout reported that a pilot project will be tried in the 2004-2005 snow season using an all salt compound. Salt would be loaded directly from the county snow shed at the south end of the Village into our plow trucks for application to the streets, thereby eliminating the need for a costly salt storage shed.
  - b) Clerk/Treasurer
    - i) Review Financial reports – Reports reviewed.
- 8) Village Engineer
- a) Discussion and action to adjust the stormwater impact fee – Rosenbeck reviewed an analysis of storm water management impact fees, recommending a revised impact fee of \$3,200 per acre. He noted that storm water management is becoming a more onerous and therefore more costly process. ***Barribeau moved to approve revising the storm water management fees to \$3,200 per acre. Miller second. Motion carried.***
  - b) Discussion and action to approve the third and final contract payment of \$9,342.77 to Badger Highways Company, Inc. – Rosenbeck confirmed that the inadvertent paving of Harbor Court was not included in the payment certification. ***Barribeau moved to approve the third and final contract payment to Badger Highways Company, Inc. for 2003 asphalt paving in the amount of \$9,342.77. Thomson second. Motion carried.***
  - c) Discussion and action to approve an agreement for design, bidding, construction phase services with McMahon Associates for 2004 Asphalt Paving Program – ***Miller moved to approve the time and expense agreement #S0017-940167 estimated at \$5,000 for design, bidding, and construction phase engineering services for the 2004 Asphalt Paving Program. Laux second. Motion carried.***
- 9) Village Coordinator
- a) Complaints and Compliments – Van Lieshout reviewed five complaints regarding snow plowing.
  - b) Proposal from David VanElzen, Sherwood Lions Football to construct an announcement/concession box and renovate the pavilion at Legion Park – Mr. Van Elzen was not present.
  - c) Discussion and action to approve request for waiver of rental charge for Sherwood Lioness regular monthly meeting at the Community Center – Jack reported that the group would like to use the facilities on the first Thursday of each month. The service group will undertake projects such as babysitting and CPR training that will enhance quality of life in the community. ***Barribeau moved to approve. Thomson second. Motion carried.***
  - d) Discussion and action to approve a resolution requesting the Calumet County Board of Supervisors to decrease the speed limit on CTH M from 35 to 25 miles per hour – ***Barribeau moved to approve the resolution, eliminating item # 4. Laux second. Motion carried. Kaas voted nay.***

- 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.
- f) 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.

***Miller moved to proceed to closed session at 7:30 p.m. per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Kaas second. Motion carried on a roll call vote with Barribeau, Beach, Jack, Kaas, Laux, Miller and Thomson voting in favor.***

***Thomson moved to RETURN TO OPEN SESSION to take further action or to adjourn the meeting at 8:47 p.m. Beach second. Motion carried.***

10) Presentation of correspondence, resolutions, and related matters

- Beach expressed concern that fire hydrants need to be kept free of snow build up. Van Lieshout will encourage to the Public Works crew to plow snow away from the hydrants as much as possible. He said that responsibility for plowing out the hydrants lies with the Utility employees.

11) Adjournment – ***Kaas moved to adjourn at 9:13 p.m. Barribeau second. Motion carried.***

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

## Closed Session Notes

Priority goals for 2004 were noted as follows:

- ❖ Develop Facilities and Property Management Plan
  - Garage expansion
  
  - Recreation Center/Plaza
    - Office Expansion
    - Computer system replacement
    - Internet enhancement
    - Website development
    - Heating plant upgrade
  
  - School site – Develop possible agreement with school district regarding
    - Sale of property
    - Long term lease
  
  - Park site development
  
- ❖ Develop Project Finance Plan
  - Explore appropriate finance mechanisms
  
- ❖ Project Management
  - Subdivision/Plat Development Issues
  - Downtown Development Plan
    - Investigate Condon Oil/Wink Mart remediation
  
- ❖ Develop and Implement Emergency Management Plan
  
- ❖ Personnel, Human Resources and Labor Contract Administration
  - Revise personnel policies
  
  - Revise job descriptions
  
  - Hire & train Receptionist/Administrative Assistant

## Village Board Meeting Minutes February 23, 2004

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

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Roger Kaas  
Joyce Laux  
David Miller  
Carl Thomson

**Others Present**

Gary Rosenbeck, Engineer  
David Wagner, Financial Consultant  
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 the February 9, 2003 meeting. Thomson second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Bill Giuliani, Martensen & Eisele Engineering, representing Mustang Acres II, Agenda item 10) b).
- 6) Report of the Utility Commission – No meeting due to lack of a quorum.
- 7) Report of Village Officers
- a) President – No report.
- b) Clerk/Treasurer
- i) Review Financial reports – Financial reports were reviewed.

Maxymek urged attendance at certified Board of Review training and called attention to training options shared by Calumet County's Mary Kohrell:

- Local Government Center will hold a certified training program via WisLine on Tuesdays April 27, April 29, May 4, and May 6 at Calumet County Courthouse or by OnLine training. Contact Mary at the County [MaryKo@co.calumet.wi.us] to register for online or in-person training.
- Wisconsin Towns Association is providing certified training on Saturday March 27, in Manitowoc. Registration forms can be downloaded from their website [<http://www.wisctowns.com>].

- 8) Village Engineer
- a) Discussion and action to approve pursuing a stormwater planning grant – Rosenbeck reported that grants are available to provide up to 75% funding of planning storm water quality improvement projects. This grant may potentially be used to plan improvements to the Village's existing urban storm water management and 20-year growth area. Grant

applications are due by April 15, 2004. He clarified that these grants usually do not provide for recouping the cost of preparing the grant application. ***Barribeau moved to approve an agreement for professional services with McMahon Associates in an amount estimated from \$3,000 to \$5,000 on a time and expense basis. The purpose of the agreement is to prepare and submit an Urban Non-point Source & Storm Water (UNPS & SW) Planning Grant application. Thomson second. Motion carried.***

- b) Discussion and action to approve pursuing a stormwater construction grant – Rosenbeck stated that grants are available to provide up to 50% funding of storm water management construction projects. The projects contemplated by the Village appear to be ideal candidates for grants although priority status may be given to applications from communities discharging storm water directly into rivers. This application, due April 15, 2004 is for funds which may potentially be used to construct the proposed Meadowcliff Pond and perhaps the Miller Pond Outfall Sewer. ***Barribeau moved to approve an agreement for professional services with McMahon Associates in an amount estimated from \$3,000 to \$5,000 on a time and expense basis. The purpose of the agreement is to prepare and submit an Urban Non-point Source & Storm Water (UNPS & SW) Construction Grant application. Thomson second. Motion carried.***
- c) Discussion and action regarding street design and layout for "John Street" – Briefly reviewed four options for street layout before referral to the Plan Commission for further review and consideration.

9) Financial Advisor

- a) Discussion and action to approve entering into an agreement with Ehlers Associates for the issuance of general obligation debt for the purpose of constructing stormwater management improvements – Dave Wagner, Ehlers Associates, presented a 2004 debt plan and stressed its preliminary nature. The plan incorporates several assumptions:
- Funds \$1,470,000 of storm water management facilities and assumes construction in 2004-2006
  - \$250,000 in special assessments paid over five years as well as developer contributions and impact fees of \$70,000 (or less) annually
  - Funds \$850,000 in other capital improvements in 2006-2009
  - Debt to be issued in 2004 proposed \$1,045,000; 2006 proposed \$960,000; 2008 proposed \$590,000
  - Closeout of the TIF district in 2006-2007 and full or partial revenue collection in 2007
  - The resulting impact on the tax levy would be about \$1 per \$1,000 of value

Miller stated that the Board is looking for a way to borrow enough in 2004-2005 to accelerate the storm water project. Wagner stated borrowing an additional \$650,000 would increase the tax rate by \$.25 per \$1,000 in 2005 and 2006.

Further discussion pertained to extending the TIF project period. The project period would begin October 1, 2004 and extend as far as 2014. Projects would be the same as those described in the original TIF Plan. Wagner does not advise amending the plan. It is unlikely that the other taxing authorities would approve an amendment. Rosenbeck was asked to look at the project plan to determine which projects would qualify. Beach asked

that he research whether a garage expansion and possible road construction to access the garage would qualify as TIF eligible. Wagner noted that keeping the TIF open one more year, through 2007, would enable up to \$1,500,000 in projects.

Wagner was instructed to take the input of the Board, work with Rosenbeck to determine project eligibility and timeline and return with a firm borrowing plan with the intention to go to the bond market as early as April.

- b) Discussion and action to approve alternative improvement financing for High Cliff Golf Course, Inc. irrigation system improvements – Wagner concurred with the opinion of the Village Attorney that creation of a Community Development Authority (CDA) is a conduit for use of public funds by private industry for the purpose of eliminating or preventing blight conditions. In the case of High Cliff Golf Course blight could be construed to mean adverse impact caused by inadequate irrigation. He estimated a four to six week timeline for bond counsel, Foley and Lardner, to facilitate the creation of a CDA and approximated costs of \$7,500 to \$10,000 if a developer agreement is included. Following creation of the Authority a board of seven persons (maximum of two Trustee members) would be appointed to foster the objectives of the authority. An ordinance creating the CDA, stating its specific powers and the purposes for which it is created must be approved by the Board. A set of by-laws would also need to be created. A CDA could be dissolved or allowed to go dormant if it has achieved its purposes.

Responding to Beach, Wagner said that the High Cliff Golf Course irrigation project may be TIF eligible but repeated that the extended project period would not begin until October 1. He continued that contractual negotiation and an ensuing development agreement would address security issues such as terms of loan. At a minimum the terms of the agreement should require payment in full when/if the golf course is sold. Beach expressed concerns in regard to the following issues: 1) Can costs incurred by the Village to set up the CDA be added to the face of a loan; 2) Can the owners be contractually obligated to retain the use of the property as a golf course; 3) Can the property value after project improvements be determined. Wagner responded that the first two of Beach's concerns could be addressed in the developer agreement. The value after improvement can be determined by the Village Assessor or by an independent appraisal if desired.

Discussion ensued relative to whether the golf course could delay the irrigation project until the fall or delay payment to contractors until TIF funding is available. Steve Bloemer, Golf Course owner, stated that fall is an ideal time to undertake this kind of project, although postponing could damage the course in the event of a dry hot summer because the current irrigation system is largely nonfunctioning. It was agreed that the project would best be done in the fall. Wagner suggested that the Village Engineer should be asked to review the irrigation project plans since it will involve public funding.

Other issues aside, Wagner was requested to contact Foley and Lardner, to develop a timeline for development of a Community Development Authority.

Beach initiated discussion of using TIF funding to build and lease a facility to attract Kaukauna School District to locate a school in Sherwood. Wagner opined that it would be beneficial if the district did not have to go to referendum to finance a new school.

## 10) Village Coordinator

- a) Complaints and Compliments – A complaint regarding snow removal operations was presented.
- b) Discussion and action regarding a proposal for verifying subgrade elevation, compaction and construction in Mustang Acres II – Bill Giuliani, Project Engineer requested board approval of an action plan to fulfill requirements for approval of the gravel roadways in Mustang Acres II subdivision. He offered the following solutions for problems detected in a walk through inspection prior to the subdivision owner and contractor prematurely causing gravel to be placed on the sub-grade:
  - Verify that the roadway was re-graded prior to gravel placement by excavating to sub-grade in selected locations identified on cut-sheets and check these elevations.
  - Verify that soft areas pose no problems by proof rolling with a weighted truck.
  - Verify that areas around manholes and inlets were cleaned up by randomly selecting structures and excavating around them to the required elevation and checking.
  - Extend warranty on roadway.

A memo from Van Lieshout was reviewed. It stated that the quality of the sub-base can not be fully verified by the corrective plan proposed by Giuliani. He advised that the stone be removed from the roadway, sub-grade repaired and inspected and new stone placed.

Village Engineer Rosenbeck stated that additional problems could be created by removal of the stone. He suggested that, in addition to actions outlined by the development engineer, an additional two inches of gravel could be put down on top of the existing stone, all structures could be excavated, inspected and raised to the new elevation and as-builts revised. All additional costs including Village engineering and inspection should be borne by the developer. He suggested that a warranty bond should be held until the first surface of asphalt is put down. ***Kaas moved to require the developer to remove roadway stone and conform to all Village specifications for road building and inspection. Miller seconded. Motion carried.***

- c) Discussion and action to approve Resolution 2004-02 Adjusting the Stormwater Impact Fee from \$2,000 per acre to \$3,200 per acre – ***Beach moved to approve Resolution 2004-02 adjusting the stormwater impact fee from \$2,000 per acre to \$3,200 per acre. Thomson second. Motion carried.***
- d) Discussion and possible action regarding Performance Appraisal and Evaluation Form alternatives – After reviewing the form Kaas noted that it does not have a format which assists in evaluating performance toward specific priorities and goals as established by the Board. Kaas agreed to merge this evaluation tool with a more extensive format provided by Kaas at an earlier meeting. Kaas noted that Utility Commission priorities should be added to the list developed and recorded earlier.

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

- Van Lieshout called attention to a resolution supporting regional efforts to apply for state grant funds for economic development and an accompanying press release.
- A conference regarding implementing stormwater initiatives in 2004 to be held in Neenah was referenced and registration materials were made available in the meeting packet.
- Barribeau shared the results of a Calumet County well testing program which showed numerous private well sites with unsafe nitrate and bacteria values.
- Van Lieshout reported vacancies on Fox Valley Technical College Board of Directors and made application material available to interested trustees.
- Responding to Laux, Van Lieshout stated he will contact the League of Wisconsin Municipalities to learn more about current pending legislation to change annexation law.

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

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



## Village Board Meeting Minutes March 8, 2004

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

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Joyce Laux  
David Miller  
Carl Thomson

**Absent**

Roger Kaas, Excused

**Others Present**

Ellen Maxymek, Clerk/Treasurer

- 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 - None

- 6) Report of the Plan Commission

1) **Action Items**

- a) Discussion and action regarding the Preliminary Plat for Lakeshore Estates East – Recommended approval of Preliminary Plat for Lakeshore Estates East with the following conditions:
- i) Evidence of willingness on the part of the Department of Natural Resources to change the restrictive language of a quit claim deeding railroad spur property to Village for the purpose of trail development. Absent this change developer will revise and resubmit preliminary plat.
  - ii) A buffer of conifer trees will be created along the rear lot lines of lots 86-93 to create barrier from golf balls straying from the adjacent fairway.
  - iii) Conveyance of easements for access to and around Outlot 1 and for maintenance of Outlot 1. Easements will cover a minimum of 15 ft. from rear lot lines of abutting properties.
  - iv) Specific aquatic vegetation as determined by Village engineers will be planted to stabilize the edges of the pond constructed by developer on Outlot 1 for the purpose of storm water management.
  - v) Basement elevations of all lots surrounding Outlots 1 and 2 will be restricted
  - vi) Developer will provide acceptable covenant and restrictions documentation for review by the Village.
  - vii) Access to Stommel Road will be restricted with the exception of Lot 131 access.

viii) A trail will be constructed between Lots 140 and 141 to provide access to Miller Pond.

ix) A 16 ft. wide trail (8ft. grass and 8ft. asphalt) will be constructed in the Village right-of-way along the south side of Natures Way Drive between Pigeon Road and Stommel Road.

***Barribeau moved to approve the recommendation and conditions of approval of a Preliminary Plat for Lakeshore Estates East. Miller seconded. Motion carried.***

b) Discussion and action regarding a two lot CSM located in the SW 1/4 of Section 1, Town 19 North, Range 18 East, Town of Harrison – Action was taken to object to CSM because it does not meet the objectives of Town of Harrison’s Smart Growth Plan – ***Barribeau moved to approve and support action to object to the two lot CSM located in the SW 1/4 of Section 1, Town 19 North, Range 18 East, Town of Harrison.***

2) **For Information Only**

a) Discussion regarding a request from Mike Johnson to establish an ad hoc committee for discussion purposes on development of the remaining Meadowcliff Estates Property – Recommended establishment of an ad hoc committee. Requested the Coordinator to bring list of possible committee candidates to Commission for review at next meeting. Coordinator reported that Mike Johnson no longer represents property owner Ted Dragotta re development matters.

b) Discussion and action to make a recommendation to the Village Board on the routing of "John Street" – Directed Coordinator to discuss purchase of property for road construction with property owner Stumpf.

7) Report of Village Officers

a) President – Nothing to report

b) Clerk/Treasurer

i) Review Financial reports – Reports were reviewed. Maxymek noted that the on-site 2003 audit work was completed.

8) Village Coordinator

a) Complaints and Compliments

b) Discussion and possible action on engagement of bond counsel to assist in creation of a community development authority and tax increment financing agreement in addition to normal services relating to debt issuance – ***Miller moved to approve engagement of Foley and Lardner, Bond Counsel to assist in creation of a community development authority and tax increment financing agreement in addition to normal services relating to debt issuance. Laux second. Roll call. Voting in favor were Barribeau, Jack, Laux, Miller, Thomson. Voting against, Beach. Motion carried.***

c) Discussion and review of projects eligible for tax increment financing – Barribeau stated that priority should be given to main lift stations improvements and water supply

projects. Trustees discussed other listed items but need more information regarding the nature of several listed projects.

9) Presentation of correspondence, resolutions, and related matters

- Beach requested a copy of the CSM that divided the Condon Oil Mobil Mart property.
- Jack asked if the new street named Lakeview Drive in Lakeshore Estates West II could be changed to avoid confusion in 911 emergency calls. She noted that a street of similar name exists in the Calumet County 911 area. Maxymek stated that subdividers Lakeshore Estates LTD have already agreed to the Coordinator's request to change the street name.
- Laux led a discussion in support of changing to quarterly sewer and water utility billing in the interests of cost savings. Thomson said interest in direct deduction of utility billing is increasing.

10) Adjournment – *Barribeau moved to adjourn at 7:40 p.m. Beach second. Motion carried.*

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

## Village Board Meeting Minutes

March 22, 2004

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

<b>Present</b> Bill Barribeau Joe Beach Roger Kaas Joyce Laux, arrived 6:35 David Miller Carl Thomson	<b>Absent</b> Barb Jack, Excused <b>Others Present</b> Gary Rosenbeck, 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 agenda. Kaas second. Motion carried.*
  
- 4) Approval of Minutes – *Barribeau move to approve the minutes of February 23 and March 8, 2004. Thomson second. Motion carried.*
  
- 5) Registered citizen comments on agenda items
  - Louis Resch, Paul Hermsen, Carl Bowers, RBH Development regarding agenda item 8) b) – Louis Resch, speaking on behalf of the development group appealed with the Board to consider allow a less expensive remediation of the premature graveling of the roadways in State Park Estates IV Subdivision. While admitting that Village road building specification were not met, Resch stated that he was not aware that proof rolling of the subgrade and final inspection by Village Engineers were required.
  
- 6) Report of the Utility Commission
  - 1) **ACTION ITEMS: Kaas move to approve action items a) – h). Miller second. Motion carried.**
    - a) Commissioners approved Lakeshore Estates East Utility Plan assuming recommendations from engineer are followed and all dead-ends have fire hydrants.
  
    - b) Commissioners moved to deny reimbursement to Mr. Brad Jorgensen for \$252.45 in sewer use charges. Mr. Jorgensen requested, via letter, that the Utility Commission reimburse the sewer portion of his December 2003 water & sewer utility bill. Mr. Jorgensen’s letter explained that he had inadvertently left on an outside spigot connected to a hose. The hose burst when the weather turned cold and went unnoticed for a time. Mr. Jorgensen requested that the sewer portion of his bill be adjusted, as the water from the burst hose did not enter the sewer system. The commissioners reasoned that though this occurrence is unfortunate, the commission has consistently denied such requests.
  
    - c) Commissioners approved the 2003 Compliance Maintenance Annual Report.
  
    - d) Commissioners approved Resolution 2004-04 re 2003 CMAR. The resolution was passed by unanimous vote. The resolution states that the Utility Commission has reviewed and approved the 2003 CMAR and agrees to take required action and steps necessary to operate the Wastewater Treatment Facility to maintain the WPDES permit.

- e) Commissioners approved offer to purchase land for permanent generator project at Lift Station No. 1 pending clear title of the land.
- f) Commissioners approved Resolution 2004-05 to acquire a parcel of land four hundred feet square in area for the purpose of siting a permanent backup generator at Lift Station No. 1. Five votes were cast. Five votes were in favor.
- g) Commissioners amended November 17, 2003 contract award for generator at Lift Station No. 1. The amended motion requests the village engineer to evaluate submitted proposals for cost and delivery date. The village engineer shall award the contract to the distributor that will deliver the generator expeditiously to best minimize time restraints at a comparable cost. The permanent generator shall be sited at Lift Station No. 1 at the earliest available delivery date regardless of TIF availability in October.
- h) Commissioners approved the 2004 water-operating budget.

**2) DISCUSSION ITEMS:**

- a) The village engineer discussed preliminary cost data on the options for providing additional supply and treatment for the Village water system. Supply Option #1 estimated capital and annual cost for water purchase with connection to Waverly Sanitary District. Supply Option #2, Construct Additional Capacity & Provide Additional Treatment of Existing Supply, preliminary costs analysis was provided for comparative purposes to Option #1.
- b) The village engineer proposed bench scale testing for water quality treatment of Well 5 & 6. Commissioners requested the village engineer to gather system design and cost information for conducting the tests.
- c) The village coordinator explained that ownership of the High Cliff State Park sewer infrastructure, i.e. manholes, would have to be researched before clarification can be established to determine responsibility of maintenance.
- d) The village engineer stated that the Vulnerability Assessment law pending in Congress has been tabled. The Commissioners tabled the Village Vulnerability Assessment be tabled for future reference.
- e) The village coordinator discussed potential projects for funding under Village TIF plan. Commissioners ranked the potential projects by priority:
  - 1. High Priority
    - a) Geotechnical and site acquisition of new well and tower location
    - b) Additional Treatment at Well 5 & 6
    - c) Generator at Main Lift Station
    - d) Reduction of I & I
  - 2. Medium Priority
    - a) Well construction
  - 3. Low Priority

- a) New Wet Well at Main Lift Station
- b) New Force Main from High Cliff Lift Station to Wastewater Treatment Plant

7) Report of Village Officers

a) President

- i) Discussion on regulating transient merchants in the Village of Sherwood – Miller reported questionable tactics of door to door salespersons known to be merchandizing in the Village. At his request two sample ordinances regulating transient merchants were presented for review. Kaas requested that additional samples be brought to the attention of Board and these should be reviewed by the Village's attorney as to applicability.

b) Clerk/Treasurer

- i) Review Financial Reports – The reports were reviewed. It was the consensus of the trustees that quarterly review of the balance sheet and budget comparison reports was sufficient. Disbursement reports will continue to be presented at each meeting.
- ii) Approval of Resolution 2004-06 Establishing Wards as Provided in Section 5.15 Wis. Stats. – Maxymek reported that the County Clerk and State Election Board have brought to her attention the requirement to create wards for the properties which have been annexed to the Village since the last decennial ward plan was adopted in 2001. Creation of new wards is required since the annexed properties are in Supervisory District 9 while Wards 1 and 2 [adopted in 2001] are in Supervisory District 10. Furthermore four of the five annexed properties are non-contiguous to one another and therefore need to be created as separate wards. **Miller moved to approve Resolution 2004-06 Establishing Wards 3, 4, 5, 6. Laux second. Motion carried.**

8) Village Coordinator

- a) Complaints and Compliments – Scott Hurst, N7824 Lakeshore Lane, complained of damage to his lawn, marker stakes and lighted Christmas decorations. His complaint was reviewed.
- b) Discussion and action regarding a proposal for verifying subgrade elevation, compaction and construction in State Park Estates IV – In response to a proposal submitted by Martenson & Eisele, Inc. on behalf of RBH Developers Van Lieshout stated that the solutions outlined in the proposal would not adequately assure the uniform crown and correct grade of the road bed. Having denied a recent similar request of another subdivider, Miller stated that the Board was unanimous that road specifications must be consistently applied to all development. He stated that in the past the road failures occurred all too often and repair costs were borne by the taxpayers and property owners. No actionable motions were made.
- c) Discussion and approval of projects eligible for tax increment financing – Discussed the project list prioritized by the Coordinator and Village Engineer and estimated to cost 5.3 million of which 3.95 million would be TIF related expense. **Miller moved to approve the entire project list. Laux second. Motion carried on a roll call with Barribeau, Beach, Kaas, Laux, Miller, Thomson voting in favor. No votes were cast against.**

- d) Discussion and action to authorize the execution of a Memorandum of Understanding with High Cliff Golf Course, Inc. – Van Lieshout presented an initial draft of a Memorandum of Understanding which is constructed to formalize the intent of the Village and High Cliff Golf Course, Inc. in regard to a loan or grant of funds by the Village to the golf course to assist in the redevelopment of property and to enable continued use as a golf course and related purpose. Benjamin Levin of Foley & Lardner the Village’s bond counsel noted, among other items, that loaning funds to the redeveloper will cause the associated borrowing to be taxable. Other items yet to be decided include: increasing the grant to compensate the Redeveloper and defray possible costs of delaying the project date until October 1, 2004; responsibility for and abandonment of wells on the property; security, guarantees, mortgages on loan/grant. ***Barribeau moved to authorize execution of a Memorandum of Understanding with High Cliff Golf Course. Thomson second. Motion carried.*** Barribeau commented that funding to abandon wells may be available from Calumet County.
- e) Approval of 2003 Compliance Maintenance Report – ***Barribeau moved to approve the CMAR Report. Kaas second. Motion carried.***
- f) Approval of Resolution 2004-04 certifying action taken by the Utility Commission – ***Barribeau moved to approve Resolution 2004-04 adopting the CMAR Report. Kaas second. Motion carried.***
- g) Discussion and action to approve an interfund transfer from Highway Outside Services to Public Works Capital Equipment in the amount of \$1,007.00 – Van Lieshout reported that snow plows have been exchanged for more appropriate models at a cost after warranty of \$3,000. This exchange along with delivery costs has caused the 2004 Public Works Equipment budget to be exceeded by approximately \$1,500.00. Because a similar over budgeted for crack sealing he asked that an inter-fund transfer be made between these two accounts. ***Miller moved to make inter-fund transfers between the appropriate Public Works-Highways group of accounts in the amount of \$1,500. Beach second. Motion carried.***
- h) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting – ***Miller made motion at 9:00 p.m. to move into closed session per State Statute 19.85 (1)(c) as stated. Laux second. Motion carried on roll call vote in favor by Barribeau, Beach, Kaas, Laux, Miller, Thomson. No votes against.***

Following a return to open session at 9:15 p.m. ***Barribeau moved to accept the performance review form*** [as attached and made part of these minutes] ***Laux second. Motion carried.***

- 9) Presentation of correspondence, resolutions, and related matters
- The timetable for approving a memorandum of understanding, creating a Community Development Authority, and related matters has been set two weeks later than previously scheduled as evidenced by Foley and Lardner memo and attachment.

- A report of 2003 incident calls in the Village of Sherwood as listed by the Calumet County Sheriff Department was reviewed. Little interest was expressed by the Board in regard to contracting with the Department for police patrol services.
- Board of Review training opportunities were presented.
- Village letterhead stationary is to be reproduced without change.
- League of Wisconsin Municipalities New Officials Training and Regional Dinner Meeting opportunities were presented.
- A Trail Network meeting was announced to be held March 31, 2004 at the Town of Harrison.

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

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



## Village Board Meeting Minutes

April 12, 2004

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

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Roger Kaas  
Joyce Laux  
David Miller  
Carl Thomson

**Others Present**

Gary Rosenbeck, Engineer  
David Wagner, Financial Consultant  
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 March 22, 2004. Beach second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Robert & Ellen Propson, W4770 Cty. S Menasha, re. agenda item 6) 1)a)
  - David T. Van Elzen, Menasha, re. agenda item 8) 1)c)
  - Kathy Salo, W4865 Forest Ln., re. agenda item 8) 1)b) – Salo stated that she wanted assurance that storm sewer and street reconstruction projects in the area encompassing Forest Lane remain high on the priority list of planned projects for construction in 2004-2005.
- 6) Report of the Plan Commission
- 1) Action Items – *Barribeau moved to approve action items a) – e). Kaas second. Motion carried.*
- a) Discussion and action regarding a one lot CSM located in the NW 1/4 of the NE 1/4 of Section 7, Town 19 North, Range 19 East, Town of Harrison – Recommended approval without objection of a one lot CSM located in the NW 1/4 of the NE 1/4 of Section 7, Town 19 North, Range 19 East, Town of Harrison.
- b) Discussion and action to approve a building site plan for Frogg's Ice Cream – Recommended approval of a building site plan for an addition to Frogg's Ice Cream for the purpose of adding storage and cooling equipment.
- c) Discussion and action to approve an amendment to Section 4-1 of the Village Zoning Code allowing accessory structures greater than 120 square feet – Recommended amending Zoning Ordinance 65 following required publication and notice of public hearing. Amendment language should state that accessory structures should be constructed using building materials that conform in appearance and quality to the principal structure. Minor accessories structures should be limited in number to one for any size lot. Setback requirements should be the same as for principal structures.
- d) Discussion and action to approve a revised drainage plan for Mustang Acres II – Recommended approval to revise Mustang Acres II drainage plan.

- e) Discussion and action to approve an affidavit amending the plat of Lakeshore Estates West II, changing Lakeview Drive to Waterview Drive – Recommended approval of an Affidavit of Correction changing the name of the street Lakeview Drive to Waterview Drive.
- 2) For Information Only
  - a) Discussion regarding zoning for resort lodging – Discussed feasibility of amending the zoning code to allow for resort lodging facilities. Requested sample of resort plans if available. Discussion should be brought up during public participation in Smart Growth planning.
- 7) Report of Village Officers
  - a) President
    - i) Discussion on regulating transient merchants in the Village of Sherwood – responding to Miller, Van Lieshout reported that Attorney Richard Carlson is drafting an ordinance that will be brought to the Board at a later meeting.
  - b) Clerk/Treasurer
    - i) Review Disbursement reports – The report was reviewed.
    - ii) Discussion and action to approve the sale of the South Section of the NW 1/4 of Lot 10 in Block C in High Cliff Cemetery – **Miller moved to approve the sale of a High Cliff Cemetery lot as specified. Thomson second. Motion carried.**
- 8) Village Coordinator
  - a) Complaints and Compliments – Peter and Cynthia Lowe, complained at the change of their street address to Waterview Drive.
  - b) Discussion and action to approve a contract for engineering services with McMahon Associates for 2004 Stormwater and Road Reconstruction Projects – Rosenbeck noted that the proposal agreement should be changed to delete the Meadowcliff and Fox Ponds from the scope of the project since these services are incorporated in another, previously approved agreement. He continued that project should extend to the boundaries of the Village being Pigeon Road to north of Nature Haven Estates and Stommel Road north of Mustang Acres II. The Board, he also said, may want to consider urbanization of Sunset Lake Court with the other streets being urbanized. Rosenbeck will return a new draft of the proposal for consideration of approval.
  - c) Discussion and action to allow Sherwood Lions Football, Inc. to proceed with the design of a press box, concession stand and temporary score board at Legion Pavilion in Legion Park and allow the continued use of a key until all restoration at Legion Ball Field is completed – Van Elzen stated that his organization would be responsible for all design and construction except for the repair of two broken concrete slabs on the northwest and southeast perimeters of the pavilion area. However, due to the cost he won't proceed to obtain professional design and state approved plans unless he has the permission of the Board to move ahead. **Thomson moved to approve planning of the project. Miller second. Motion carried. Thomson moved to approve erecting a scoreboard which will be removed at the end of each season. Miller second. Motion carried.**
  - d) Discussion and action to approve waiving pavilion/bathroom rental fee Sherwood Lions Football, Inc. for 2004 football season – **Barribeau moved to approve a permanent waiver of fees for Sherwood Lions Football, Inc. unless unforeseen problems arise. Miller second. Motion carried.**

Van Elzen requested a donation of \$700 from the Village to cover grass-reseeding costs. He commented on damage to fields from vehicles driven on sodden grass during the St. John-Sacred Heart Picnic. Van Elzen suggested that the Village obtain a cash bond from the church in the future to cover costs of similar damage. He further requested that the Village construct a 100-stall parking lot in the vicinity of the Legion Park Pavilion. Saying that the driveway to the pavilion washes out regularly, Van Elzen asked that the Village reconstruct the driveway as a two-lane paved surface.

- e) Discussion and action regarding correspondence from Calumet County Highway Department – Correspondence and information from Michael Ottery, Commissioner of the Calumet County Highway Department were reviewed. Barribeau suggested that a meeting be arranged with Bob Sherman, Department of Transportation, and Mike Ottery to discuss possible alternatives to the intersection of Hwy. 114/Cty. M/Clifton Road which is unsafe, in the opinion of the Village Board. ***Beach moved to table the matter until alternatives can be discussed. Miller second. Tabled.***
- f) Discussion and action to approve Resolution 2004-07 An Initial Resolution Authorizing the Issuance and Sale of Not to Exceed \$2,750,000 General Obligation Promissory Notes; and Providing Other Details with Respect Thereto – David Wagner reviewed the debt plan in view of the Board’s desire to expand the projects planned for the next five years. He projected that financing costs will cause the TIF closeout to be pushed out through the end of 2009. ***Barribeau moved to approve Resolution 2004-07 An Initial Resolution Authorizing the Issuance and Sale of Not to Exceed \$2,750,000 General Obligation Promissory Notes; and Providing Other Details with Respect Thereto. Laux second. In a call of the roll Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. No abstains. Motion carried unanimously.***
- g) Discussion and action to approve Resolution 2004-08 A Resolution Creating the Community Development Authority of the Village of Sherwood, Wisconsin – ***Barribeau moved to approve Resolution 2004-08 A Resolution Creating the Community Development Authority of the Village of Sherwood, Wisconsin. Thomson second. In a call of the roll Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. No abstains. Motion carried unanimously.***
- h) Discussion and action to approve Resolution 2004-09 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, As Amended – ***Barribeau moved to approve. Thomson second. Motion carried.***
- i) Discussion and action to approve Resolution 2004-10 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, As Amended – Rosenbeck observed that this resolution declares the intent to special assess properties abutting Harbor Court which was paved but not paid for by the Village or assessed to property owners during the 2003 street improvements and special assessments. ***Thomson moved to approve. Kaas second. Motion carried.***
- j) Discussion and action to approve Resolution 2004-11 A Resolution of the Village Board of the Village of Sherwood Supporting the Submittal of an Urban Nonpoint Source and Stormwater Planning Grant Application – ***Barribeau moved to approve. Thomson second. Motion carried.***
- k) Discussion and action to approve Resolution 2004-12 A Resolution of the Village Board of the Village of Sherwood Supporting the Submittal of an Urban Nonpoint Source and Stormwater Construction Grant Application – ***Barribeau moved to approve. Beach second. Motion carried.***

- l) Discussion and action to approve Resolution 2004-13 A Resolution of the Village Board of the Village of Sherwood Supporting the Submittal of a Targeted Runoff Management Grant – ***Barribeau moved to approve. Beach second. Motion carried.***
- 9) Presentation of correspondence, resolutions, and related matters
- Van Lieshout reviewed his letter to Robert Muter to remove non-shearable mailbox enclosure from the Village right-of-way in front of his home.
  - By consensus of the Board the annual organizational meeting was scheduled on April 26, following the regular Village Board meeting.
  - Miller stated that the Coordinator should move forward to accomplish expanded internet access and website development.
- 10) Adjournment – ***Thomson moved to adjourn at 9:10 p.m. Barribeau second. Motion carried.***

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

## Village Board Meeting Minutes

April 26, 2004, Time: 6:30 p.m.

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:33 p.m. with roll call:

<b>Present</b> Bill Barribeau Joe Beach Barb Jack Roger Kaas Joyce Laux, Arr. 6:38 David Miller	<b>Absent</b> Carl Thomson, Excused <b>Others Present</b> Josh Van Lieshout, Coordinator Ellen Maxymek, Village Clerk
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- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Kaas second. Motion carried.*
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of April 12, 2004. Kaas second. Motion carried.*
- 5) Registered citizen comments on agenda items
  - Tom Jack, 4843 Escarpment Terrace, concerning agenda item 8).
- 6) Consent Agenda
  - i) Kelly C. Pitzen, Operators License – *Barribeau moved to approve issuing an operators license to applicant Pitzen. Miller second. Motion carried.*
- 7) Report of the Utility Commission – The report was reviewed and accepted without action.
  - 1) ACTION ITEMS:
    - a) Commissioners moved to approve a resolution declaring the installation of a Back-up generator and appurtenances an emergency within the scope of 61.55 Wis. Stats. The permanent generator will be sited at the Main Lift Station No. 1 near Sherwood Forest Golf Course clubhouse.
    - b) Commissioners approved action to offer \$500 plus shipping and handling costs for information regarding purchase of High Cliff development plans from Perry-Carrington Engineering Corp. The information may clarify responsibility for maintenance of High Cliff State Park sewer infrastructure.
  - 2) DISCUSSION ITEMS:
    - a) Commissioners concurred a water main to the Thiel property, Hwy 114, be added to the 2004 Water Capital Projects list. The trigger event for this project was that the Thiel's annexed to the Village of Sherwood. The Coordinator will request a revised engineering proposal for the May Utility Commission meeting. The Coordinator will review the assessment policy and discuss payment of the project with the Village financial advisor – Responding to inquiry from Beach, Van Lieshout stated that the cost of the project is fully assessable to property owners. Outside of Village property owners will be special assessed with the cooperation of their town government or will receive a deferred assessment. Owners of unimproved property within the Village

will receive a deferred assessment. The water main will be extended along the east side of Hwy. 114 until parallel with the Thiel property and then under the highway.

- b) Commissioners removed the new wet well item from the 0-5 years Wastewater Capital Projects Budget Plan. Commissioners advised that the item might be added to the list at a later date.
  - c) Commissioners requested a priority column be added to the manhole repair and cost assessment report. Commissioners will review the updated report at the May meeting and discuss possible action.
  - d) Commissioners granted the Coordinator discretion on whether or not to request the Utility Operator is present at the meetings. The Coordinator explained that if the Operator is requested to be present at the meeting the Operator shall be paid time and half and call-time. The commissioners suggested that the Operator's presence might be a necessity for input regarding operational items.
  - e) Commissioners reviewed the list of customers selecting Quarterly vs. Monthly water and sewer utility billing. The list is compiled from the March 2004 utility billing payment stubs, "Circle one: Quarterly/ Monthly." A majority has chosen Quarterly over Monthly as of April 19, 2004. No action was taken at the meeting to approve quarterly billing.
- 8) Report of the PRUT Board – *Laux moved to approve action items a) – c). Miller second. Motion carried.*

**1) Action Items**

- a) Discussion and action regarding location of replacement trees in Miller and Nuthatch Detention Basins – Recommended as follows:
  - Remove 35 Norway maple trees and replant on Village sites (parks, street right-of-ways, etc. to be determined by PRUT members Jack and Kirshling and Public Works Department Bill Diedrich
  - PRUT members Jack and Kirshling will inspect 8 wilting trees with Dan Stumpf of Stumpf Landscaping to determine whether these trees should be removed.
  - Replace possible total of 43 trees with white oak, burr oak, swamp oak and hackberry varieties common to Wisconsin prairies. 1 ½ to 2-inch caliper trees are recommended but all ash varieties are to be excluded.
  - Spruce trees may be replaced with white cedar.
  - Research and contract prairie restoration through controlled burn methods with remaining funding if available.

Tom Jack questioned the amount of the funding available to replace trees in the Miller and Nuthatch storm water detention sites. Van Lieshout replied that approximately \$63,000 was available. Jack stated that prairie restoration specialists should be returning calls in the near future regarding methods appropriate to encourage prairie establishment at the detention sites. Answering Laux, Jack said that the prairie grasses are not dying but he thinks the sites were not properly prepared for planting. He wants to find out if controlled burns would encourage healthy regrowth.

- b) Discussion and possible action regarding Village Trail Map – Recommended updating of trail map – Kaas suggested that looping trails should be measured and the distances noted on map update for the benefit of users who like to track their exercise regimen.
- c) Discussion and action regarding playground equipment – Recommended contacting local service clubs for donations of equipment and/or labor. Recommended modular type of equipment that can be expanded, as future funding becomes available – Beach suggested that all improvements or changes to Wanick Park should be forwarded to the Kaukauna School District for review if we want to encourage the district to open a school at the site.

**2) For Information Only**

- a) Discussion regarding park name signs – Requested Coordinator to order park signage per approved budget and per previous PRUT action.
- b) Status of PRUT Board Chairmanship – Chairman Doughman reported that he will not continue to serve on the PRUT Board and that the Village Board will determine whether to continue the appointment of the PRUT Chair as a standing member of the Plan Commission.

9) Report of Village Officers

- a) President
  - i) Discussion on regulating transient merchants in the Village of Sherwood – Following discussion ***Miller moved to accept the ordinance as drafted and to move forward to adoption. Laux seconded. Motion carried.***
- b) Clerk/Treasurer
  - i) Review Disbursement reports – Reports were reviewed.
  - ii) 2003 Final Budget Amendment – ***Barribeau moved to approve and adopt the final amendment of the 2003 Budget. Laux second. Motion carried.***

10) Village Coordinator

- a) Complaints and Compliments – Scott Hurst repeated his complaint (reported at a prior meeting) that snow was plowed too far into his yard causing damage to lawn and decorative lighting.
- b) Discussion and action to approve a contract for engineering services with McMahon Associates for 2004 Stormwater and Road Reconstruction Projects – Discussion focused on the advisability of constructing an extension from the stubbed road next to the Mobil Mart south along Village owned property, abutting the back lot line of the Freund property and continuing into Legion Park. ***Kaas moved to approve the contract for engineering services excluding project services relating to the Mobil Mart Road Extension into Veterans Park. Barribeau second. Motion carried. Beach opposed.***
- c) Discussion and action to approve Resolution 2004-15 A Resolution Confirming Appointments to the Community Development Authority of the Village of Sherwood,

Wisconsin – Beach stated concern that by appointing persons who already serve on other boards, the Village is not getting varied input from other sectors of the citizenship.

In an aside Beach questioned Van Lieshout regarding the financing of a High Cliff Golf Course irrigation project. Van Lieshout stated that approximately \$150,000 of the project cost would be loaned with repayment scheduled over, perhaps, twenty years. The balance, approximately \$150,000, would be a grant in consideration of real estate transfers and easements, which the Village would use for development of infrastructure. The Village will use proceeds of the 2004 borrowing to finance the Community Development Authority which will be the mechanism for the loaned and granted funds. The Village Assessor will establish the value of the improved property.

***Laux moved to approve Resolution 2004-15, a resolution confirming appointees Bill Barribeau, David Miller, Tom Boll, Joe Hennlich, Dave Erdahl, Gary Rosenbeck, and Denis Dewing to the Community Development Authority of the Village of Sherwood. Kaas seconded the motion. In a roll call Barribeau, Jack, Kaas, Laux, and Miller voted in favor of the motion. Beach voted against. Motion carried.***

- d) Discussion and action to amend ordinance striking paragraphs, 1(b) and 3(b) in their entirety, and changing paragraph 1(c) currently reading "Four (4) citizen members..." to "Five (5) citizen members..." – This being the first reading of an amendment to Plan Commission Ordinance 16, the amended text will be returned for a second reading and action at the next meeting.

11) Presentation of correspondence, resolutions, and related matters

- Beach asked that a representative off the Kaukauna School District be invited to address the Board regarding plans for a future school site.
- Barribeau presented information about the upcoming Calumet County U-W Extension Clean Sweep hazardous waste collection.

12) Adjournment – ***Barribeau moved to adjourn at 8:20 p.m. Laux second. Motion carried.***

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



**Village Board Organizational Meeting Agenda**  
**Monday, April 26, 2004 Time: 7:30 p.m. or soon thereafter**  
**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) Attorney – Silton, Seifert, Carlson, Gamble, Schubert, SC
  - c) Building Inspector – Paul Hermes, All States Inspections
  - d) Engineer – McMahan & Associates
  - e) Official Publications – Post Crescent
  - f) Code Administrator – Joshua Van Lieshout
  - g) Weed Commissioner – Gerald Maynard
- 7) Elected by Village Board
  - a) Plan Commission/Trustee Member – 1 Year term ending April 2005 – Currently seated Bill Barribeau
  - b) PRUT Board/Trustee Member – 1 year term ending April 2005 – Currently seated, Carl Thomson
- 8) Appointed by Village President/Confirmed by Village Board
  - a) Plan Commission/Citizen Member – 3 year term ending April 2007 – Currently seated David Erdahl
  - b) Plan Commission/Citizen Member – 3 year term ending April 2007 – Currently seated Denis Dewing
  - c) Plan Commission/Citizen Member – 2 year term ending April 2006 – Currently seated PRUT Chair Tom Doughman
  - d) PRUT Board/Citizen Member – 3 year term ending April 2007 – Filling seat vacated by Tom Doughman
  - e) PRUT Board/Citizen Member – 3 year term ending April 2007 – Currently seated Harland Zietlow
  - f) Board of Appeals/Citizen Member – 3 year term ending April 2007 – Currently seated Tom Jack
  - g) Board of Appeals/Citizen Member – 3 year term ending April 2007 – Currently seated Kate Zietlow, Chair
  - h) Board of Appeals/Alternate #1 – 3 year term ending 2005 – Currently vacant
  - i) Board of Appeals/Alternate #2 – 3 year term ending 2006 – Currently vacant
- 9) Presentation of correspondence, resolutions, and related matters
- 10) Adjournment

Welcome to the Village Board Organizational 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 Organizational Meeting Minutes**  
**April 26, 2004**

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 8:22 p.m.

with roll call:

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Roger Kaas  
Joyce Laux  
David Miller

**Absent**

Carl Thomson, Excused

**Others Present**

Josh Van Lieshout, Coordinator  
Ellen Maxymek, Village Clerk

- 2) Pledge of Allegiance
- 3) Registered citizen comments on agenda items – None
- 4) Review/Approval of Rules of the Village Board – *Miller moved to amend section 1) e) as follows: **The Village Board shall meet at a special meeting to conduct business regarding appointment, approval of the Village Board Rules, and other business as may be noticed annually on or before the fourth Monday in April. Laux seconded. Motion carried.***
- 5) Election of Vice-President – *Barribeau moved to elect Joyce Laux Vice-President of the Village Board. Jack second. Motion carried.*
- 6) Village Board Appointments
- a) Accountant – Virchow, Krause & Company
  - b) Attorney – Sifton, Seifert, Carlson, Gamble, SC – *Beach moved to appoint conditioned on obtaining an assurance from the firm that it will not represent the developers doing business with the Village. Miller second. Motion carried.*
  - c) Building Inspector – Paul Hermes, All States Inspections
  - d) Engineer – McMahon & Associates
  - e) Official Publications – Post Crescent
  - f) Code Administrator – Joshua Van Lieshout
  - g) Weed Commissioner – Gerald Maynard
- Barribeau moved to appoint as listed in 6) a) – g). Laux second. Motion carried.*
- 7) Elected by Village Board
- a) Plan Commission/Trustee Member – *Kaas moved to elect Bill Barribeau as a trustee member of the Plan Commission for a one-year term ending April 2005. Laux second. Motion carried.*

- b) PRUT Board/Trustee Member – ***Kaas moved to elect Carl Thomson as a trustee member of the Park, Recreation and Urban Tree Board for a one-year term ending April 2005. Laux second. Motion carried.***
- 8) Appointed by Village President/Confirmed by Village Board
  - a) Plan Commission/Citizen Member – ***Barribeau moved to confirm the appointment of David Erdahl as a citizen member of the Plan Commission for a three-year term ending April 2007. Kaas second. Motion carried.***
  - b) Plan Commission/Citizen Member – ***Barribeau moved to confirm the appointment of Denis Dewing as a citizen member of the Plan Commission for a three-year term ending April 2007. Kaas second. Motion carried.***
  - c) Plan Commission/Citizen Member – 2 year term ending April 2006 – Currently seated PRUT Chair Tom Doughman – ***Barribeau moved to table. Kaas second. Tabled.***
  - d) PRUT Board/Citizen Member – 3 year term ending April 2007 – Filling seat vacated by Tom Doughman – ***Barribeau moved to table. Kaas second. Tabled.***
  - e) PRUT Board/Citizen Member – ***Barribeau moved to confirm the appointment of Harland Zietlow as a citizen member of the Park, Recreation and Urban Tree Board for a three-year term ending April 2007. Kaas second. Motion carried.***
  - f) Board of Appeals/Citizen Member – ***Barribeau moved to confirm the appointment of Tom Jack as a citizen member of the Board of Appeals for a three-year term ending April 2007. Kaas second. Motion carried.***
  - g) Board of Appeals/Citizen Member – ***Barribeau moved to confirm the appointment of Kate Zietlow as a citizen member of the Board of Appeals for a three-year term ending April 2007. Kaas second. Motion carried.***
  - h) Board of Appeals/Alternate #1 – 3 year term ending 2005 – ***Barribeau moved to table. Kaas second. Tabled.***
  - i) Board of Appeals/Alternate #2 – 3 year term ending 2006 – ***Barribeau moved to table. Kaas second. Tabled.***
- 9) Presentation of correspondence, resolutions, and related matters – None
- 10) Adjournment – ***Barribeau moved to adjourn at 8:42 p.m. Kaas second. Motion carried.***

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk

## Village Board Meeting Minutes May 10, 2004

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

<b>Present</b>	<b>Others Present</b>
Bill Barribeau	Lee Reibold, Engineer
Joe Beach	David Wagner, Financial Consultant
Barb Jack	Josh Van Lieshout, Coordinator
Roger Kaas	Ellen Maxymek, Clerk
Joyce Laux	
David Miller	
Carl Thomson	
  
- 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 April 26, 2004. Kaas second. Beach requested that agenda item 10) c) be changed, adding the following: The balance would be a grant of approximately \$150,000 in consideration...The motion to approve with the change carried.*
  
- 5) Registered citizen comments on agenda items
  - Roy & Julie Knoll, N7981 Carriage Court. Mr. Knoll spoke representing a group of citizens regarding a beautification project at Mustang Acres Pond. The pond is unsightly, rip-rap rock has fallen into the pond, mud and sediment cover the banks and muskrats have undermined the edges. The group called for a remedy and expressed willingness to assist in the project.

Van Lieshout reported that a Village resident was desirous of fulfilling requirements of his Master Landscaper program by spearheading efforts to beautify the pond. Unfortunately the individual is no longer available to undertake the project. He stated that a county grant program, which might have funded this project, was discontinued. Available General Fund budget was limited to \$500 since the need was not brought to the attention of the Village until after budget approval. TIF funding would not be available until October and this project was not prioritized until 2006 or later in a recent borrowing plan.

Van Lieshout reviewed that the pond level was lowered this winter following removal of an obstruction to the dam which was put in place by Mustang Acre Developer, David Petrie. The obstruction was removed in order to keep the pond at the DNR permitted level. Petrie questioned why the original permit before pond construction did not specify a water level. Van Lieshout responded that the question should be directed to the DNR. Van Lieshout reported that a governing permit was issued by the DNR for the system of ponds when Miller Pond was constructed.

Knoll inquired if a homeowners association could take the responsibility for spearheading the project. The group could raise funds if necessary. He asked that the Village at least

suspend cutting the natural vegetation around the pond to give the ground cover opportunity to spread. Van Lieshout responded affirmatively. He indicated that a Lake Association might be formed which could then be special assessed for improvements.

- Laurie & Rick Schinke, N7991 Carriage Court. Mrs. Schinke stated that bids should be obtained now or the project would be pushed into next year. She indicated that contractors could be persuaded to wait until October for payment on a high ticket project.

Van Lieshout advised that any public project over \$15,000 must be open to public bid. He said that if a neighborhood association was willing to pay the entire cost and could come to a consensus about the design and scope of the project he believed the Village would allow it to go forward as long as the Village retained ownership and oversight of the project. If, however, it remained a public project he did not think it feasible this year. Kaas questioned if the homeowners paid for a design and engineering study and then, pending approval of that recommendation, the Village could take on the bid and construction phase.

David Wagner, Village Financial Consultant, interjected that while the project was prioritized for 2006 funding, the Trustees have the flexibility to change the prioritization if they chose. He stated that within the scope of a \$2,750,000 borrowing package he did not think it unreasonable to move a \$35,000 project ahead on the financing plan. However, Wagner pointed out that the engineer has determined that of the \$35,000 scheduled only \$25,000 was TIF eligible. The non-TIF portion of \$10,000, as long as it was not construction related, might be contributed by the homeowners group.

Knoll stated that the homeowners group will gather information about project design and scope.

- Phil Graebel, N7995 Carriage Court
  - Howard Wahlfeld, N7986 Carriage Court, stated that his wife has severe allergies and that the condition of the pond may cause medical problems.
  - John Hocks, Calumet County Sheriff Department, regarding agenda item 13) c)
  - David & Joan Petrie, N7986 Stommel Road, re. Agenda item 13) d)
- 6) Public Hearing: Special Assessments in the Village of Sherwood for Public Improvements – The public hearing was called to order at 7:15 p.m. Murray Hurlburt, owner Sherwood Animal Hospital asked when the street improvements will be completed. Reibold responded that the contract calls for completion by September 1, 2004. Van Lieshout, answering Hurlburt, reported an approximate special assessment for his property improvement of \$1,400.74

After three calls for public comment, Miller announced the hearing closed at 7:18.

- 7) Consent Agenda
  - a) Operator's License
    - i) Katie Pattermann,
    - ii) Brianne Breckheimer

***Barribeau moved to approve issuing Operator's Licenses to the above applicants. Jack seconded. Motion carried.***

- 8) Report of the Plan Commission
  - 1) **Action Items**

- a) Acted to withdraw an objection to a two lot CSM located in the SW 1/4 of Section 1, Town 19 North, Range 18 East, Town of Harrison as requested in correspondence from the Town – ***Barribeau moved to withdraw objection and approve a two lot CSM located in the SW 1/4 of Section 1, Town 19 North, Range 18 East, Town of Harrison. Thomson second. Motion carried with Laux opposed.***
- b) Acted to approve pursuing a plan amendment per the required process described in paragraph 1(A) of the Sherwood Land Use Plan and set a public hearing date for June 7, 2004. This action was prompted by the submission of a concept plan by Nemecek and Associates for future development of property west of Kessler Road and north of the Village limit. Currently the property is planned for agricultural use and is adjacent to an area planned for industrial use – ***Laux moved to approve setting a public hearing before the Plan Commission regarding an amendment to the Sherwood Land Use Plan. Kaas second. Motion carried with Jack opposed.***

- 2) **For Information Only**

- a) Limited discussion regarding zoning for possible future resort lodging.

- 9) Report of the Community Development Authority – ***Barribeau moved to accept the report of the Community Development Authority. Laux second. Motion carried.***

- 1) **Action Items**

- a) Acted to elect David Miller the Chairman of the Community Development Authority of the Village of Sherwood
- b) Acted to appoint Joshua Van Lieshout the Executive Director to the Community Development Authority of the Village of Sherwood
- c) Acted to authorize and set June 7, 2004 as the public hearing date for declaration of High Cliff Golf Course as blighted property
- d) Acted to authorize the Notice of Public Hearing to be sent to High Cliff Golf Course

- 10) Report of Village Officers

- a) President
- b) Clerk/Treasurer

- i) Review Disbursement reports – Reports reviewed.

#### 11) Financial Advisor

- a) Discussion and action to approve Resolution 2004-16 Authorizing and Providing for the Sale and Issuance of \$2,750,000 General Obligation Promissory Notes, Series 2004A and all Related Details – Wagner presented a recommendation that the Village Board award General Obligation Promissory Notes for \$2,750,000 to the lowest of three bidders, Bankers Bank, with a true interest cost of 4.3369971%. To allow for unanticipated changes in TIF development and changed legislation affecting the TIF District, the financing plan was approved on April 12, to allow for, but not require, paying off the TIF Debt in 2009. The terms of the 2004 borrowing provide for the added flexibility of paying off the debt as late as 2014. Capital improvement program schedules, debt sizing worksheets and financing plans dated April 12, April 30, and May 10, 2004 reported plan changes through actual bid date. After review of the data ***Barribeau moved to approve Resolution 2004-16 Authorizing and Providing for the Sale and Issuance of \$2,750,000 General Obligation Promissory Notes, Series 2004A and all Related Details. Thomson second. On a call of roll Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. Motion carried.***

#### 12) Village Engineer

- a) Discussion regarding defining final scope of Golf Course Road et. al. Reconstruction Project – Correspondence from Engineer Rosenbeck requested input from the Board relative to the scope of the Golf Course Road reconstruction project. The extent of the storm sewer project is defined but additional areas could be incorporated into the project area and identified for urban section reconstruction. Are any or all of the following streets to be urbanized: South Niagara Ct., North Niagara Ct., 14<sup>th</sup> Ct., Spurline Ct., Palisades Trail (from Golf Course Rd. to Spring Hill Dr.), Palisades Circle, Sunset Lake Ct. Barribeau pointed out that recently changed policy provides for urbanization of fully reconstructed streets. After discussion the Board agreed with a suggestion from Engineer Reibold to schedule a public information meeting to inform potentially affected property owners regarding the scope of the project.
- b) Consideration and award of contract S0017-940167 2004 Asphalt Paving Program and Alternate 1 – ***Barribeau moved to award the asphalt paving base bid and alternate bid for mountable curb and gutter construction to MCC, Inc. in the amount of \$134,179.05. Miller second. Motion carried.***

#### 13) Village Coordinator

- a) Complaints and Compliments
- b) Tree City USA Award – President Miller accepted the Tree City USA award presented by Jessica Shmidt of the Regional Urban Forestry Department, Wis. Dept. of Natural Resources for the fourth consecutive year.
- c) Presentation from Gloria West, Midwest Sports Events regarding High Cliff Triathlon – Gloria West presented information and reported that this triathlon event, scheduled for June 20, 2004, will highlight the beauty of Calumet County. Five hundred participants have registered with more expected. Friends of High Cliff State Park will participate as

volunteers and St. John-Sacred Heart Parish will stage a spaghetti dinner to raise funds for the building program. Van Lieshout asked what the promoters will need from the Village and stated that the Village should be included in future planning. West stated she would like to have the Village post signage, particularly on State Park Road. Kaas requested that triathlon volunteers should be prepared to correctly inform travelers of alternate routes. West stated that information about the event is available at [High Cliff Triathlon.com](http://HighCliffTriathlon.com).

- d) Discussion regarding Mustang Acres II street construction – Developer Petrie stated that subdivision roads have shown no noticeable settling. Experts have told him that inevitable damage will be caused to the road base if the gravel is removed. Petrie hoped that an agreement can be reached that will make it possible for the subdivision to be accepted without removal of the gravel from the road base. Van Lieshout reported that Engineer Rosenbeck previously recommended that 2 additional inches of gravel could be added to the road bed and an extended warranty could be provided by the developer. Van Lieshout stated that a minimum five-year warranty should cover asphalt surfaces as well as sub grade in the event of road failure after surfacing. Engineer Reibold stated that in addition to more gravel and warranty the Village may want to wait an extended period before applying asphalt. That would give ample time for sub-grade settling to occur. He suggested that, if the roads are left in gravel, a cash escrow or development agreement could be set up to cover costs of grading, chip sealing, or dust prevention. **Miller moved to have the Village Engineer recommend suitable terms of a warranty, and developer or escrow agreement and to return the terms to the Board for approval. Thomson second. Motion carried.**
- e) Discussion and action to approve Resolution 2004-17 Approving Community Development Authority's Assistance of Proposed Redevelopment of High Cliff Golf Course and Related Property – **Thomson moved to approve Resolution 2004-17. Laux second. On a call of roll Barribeau, Jack, Kaas, Laux, Miller, Thomson voted in favor. Beach voted against. Motion carried.**
- f) Discussion and action to amend ordinance 16-2001 altering Plan Commissioner membership requirements – This is the second reading of this ordinance amendment. **Thomson moved to amend Ordinance 16 pursuant to Section 62.23(1)(a) of Wisconsin Statutes to create five citizen member positions on the Plan Commission and to delete the position of the Park, Recreation and Urban Tree Board Chair. Kaas second. Motion carried with Beach opposed.**
- g) Discussion and action to approve extending the solid waste collection and disposal contract with Onyx Superior Waste Services of Wisconsin, Inc. – Van Lieshout reported Onyx's proposal to extend the current solid waste service agreement for three years to December 31, 2007 to coincide with the recycling agreement. The proposal cited no increase in costs in 2005 and 2006 and an increase matched to the Consumer Price Index not to exceed 4% in 2007. **Miller moved to extend the solid waste collection contract through 2007 at the stated terms. Thomson second. Motion carried.**



14) Presentation of correspondence, resolutions, and related matters

- Van Lieshout called attention to an upcoming informational meeting regarding the Taxpayer Bill of Rights (TABOR) bill. Barribeau reported that the legislature could not agree on the bill language. It is likely that the tax freeze bill will be resurrected and that the Governor would again veto the bill.
- Beach requested information concerning recently passed legislation known as the Anti-Annexation bill.
- Regarding a report of a traffic observation meeting attended by Gary Rosenbeck and Bob Sherman, Department of Transportation, Beach noted that vision is also restricted from Clifton Road looking south due to parked cars and suggested that traffic should be observed at a later hour when parked vehicles are present.

**15) Adjournment – Thomson moved to adjourn at 9:53 p.m. Kaas second. Motion carried.**

Minutes respectfully submitted for approval by Ellen Maxymek, Village Clerk

## Village Board Meeting Minutes May 24, 2004

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

<b>Present</b>	<b>Others Present</b>	
Bill Barribeau	Josh Van Lieshout, Coordinator	
Joe Beach	Ellen Maxymek, Clerk	
Barb Jack		
Roger Kaas		
Joyce Laux		
David Miller		
Carl Thomson		
  
- 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 April 26, 2004. Barribeau second. Motion carried.*
  
- 5) Registered citizen comments on agenda items
  - Louis Resch, Developer State Park Estates IV, re. agenda item 10) b).
  
- 6) Public Hearing: Special Assessments in the Village of Sherwood for Public Improvements – Following three calls for public hearing and hearing none *Kaas moved to close the public hearing. Thomson second. Motion carried.*
  
- 7) Consent Agenda
  - a) Operator's License – *Barribeau moved to issue Operator's Permits to the listed applicants. Kaas second. Motion carried.*
    - i) Ann Schumacher
    - ii) Ashley Sprangers
    - iii) Robert Schabow
    - iv) Maria Ann Schneider
  
- 8) Report of the Utility Commission – *Kaas moved to approve action items a) through e). Miller second. Motion carried.*
  - 1) **Action Items**
    - a) Discussion and action regarding Utility Improvement Plans for Lakeshore Estates East – Approved plans subject to completion of punch list of items conveyed in correspondence from the Village Engineer dated May 14, 2004, and subject to approval of subdivision drainage plan.
  
    - b) Discussion and action to approve manhole repair and replacement in selected areas slated for road reconstruction – Approved replacement of up to 11 manholes and addition of barrel section of existing manholes preceding reconstruction of Golf Course Road, Bridle Lane, Black Cherry Court, Forest Lane or expanded project including Palisades Trail, Sunset Lake Court, Niagara Court and Spurline Court.

- c) Discussion and action to approve quarterly billing beginning June 2004 – Approved quarterly utility billing cycle. Advertise the billing cycle change in newsletter including results of the compilation of customer preferences (270/159/111 or 59% in favor of quarterly billing).
- d) Discussion and action to approve reading meters in 1/3 of the Village per month in each quarter – Approved reading of 1/3 of utility meters each month to facilitate a revolving 3-month billing cycle.
- e) Discussion and action to approve a Utility vehicle door logo – Approved affixing identifying information on utility vehicles at a cost of \$180 per door.

## **2) For Information Only**

- a) Discussion regarding Camelot Estates utilities service feasibility – Instructed Coordinator to develop and convey a position statement to the Village Plan Commission and Village Board stating that the Utility Commission finds extension of utility service unfeasible at this time for the following reasons:
  - (1) The conceptual development area is outside of the Sewer Service Area Plan and the Village would be hard pressed to show cause for amending the Plan.
  - (2) The area has not been studied or planned for development. Such studies would be costly and outside of the utility budget.
  - (3) Development of the area would necessitate building a lift station and new force main. The Capital Projects Plan lists a 12” force main in its beyond 10-year category. Unless the developer paid a substantial portion, infrastructure costs could be prohibitive.
  - (4) The potential impact of increased peak flows at treatment facilities could require expansion sooner than anticipated in capital plan.
- b) Discussion regarding water quality improvement bench tests – Engineer Rosenbeck reported his understanding that a DNR letter of approval is in its final clerical stage.
- c) Discussion and action to approve an agreement for professional services for design, bidding, Engineer's report, and construction services for the extension of a water main to the Joseph Thiel property, N7637 STH 114 – Approved development of project costs and property benefit study by the Village Engineer for report at next meeting
- d) Discussion/action regarding Capital Projects List – Reviewed list relative to other agenda items. No action.
- e) Discussion and action to approve the hire an additional utility technician – Instructed Coordinator to develop justifications for potential hiring, ie:
  - (1) Project list of proactive tasking uncompleted at current staffing levels
  - (2) Potentially unsafe practices caused by understaffing
  - (3) Costs including payroll, benefits, uniform and personal safety, communication devices, additional vehicle, and other
  - (4) Evaluation of overtime, call time, stresses in present staffing

- (5) Evaluate list of risks if personnel loss is experienced as well as potential backup systems
- (6) Cost comparison of contract operation vs. employee driven operation
- (7) Cost savings if currently outsourced tasks were performed by utility personnel
- (8) Comparison of potential hire tasking if supervisory or technician
- (9) Job descriptions of current personnel
- (10) Benchmark comparisons to like sized municipal or private utilities

9) Report of Village Officers

a) President

- i) Presentation from Lynn Peters on affiliating with the Fox Cities Convention and Visitors Bureau – Informing that the FCC & VB is an Economic Development Corporation, the only such entity in the state which funds development grants, Peters invited the Village to affiliate with the organization. FCC & VB would like to take more opportunities to promote the area but are not able to do so unless we are affiliated. To participate in the economic development program the Village would first pass a room tax ordinance. A 5% room tax would be levied on units which provide hotel type lodging [defined as less than 30 day occupancy]. High Cliff Resorts is the only facility in the Village that has some units that fall into this category. When collected quarterly by the municipality, 5% of the room tax is retained to offset administrative costs, and the remainder forwarded to FCC & VB and the Performing Arts Center to fund their operations. Miller requested that a sample ordinance be forwarded for consideration by the Board.

b) Clerk/Treasurer

- i) Review Disbursement reports – Reports were reviewed.

10) Village Coordinator

- a) Complaints and Compliments – Mike Krueger reported that debris has been left behind after garbage collection as though the vehicles are overloaded and excess refuse is falling off the truck.
- a) Discussion regarding State Park Estates IV street construction – Developer Resch reported that sub grade elevations were shot, verified, on November 25, 2003 and reported to the Village engineers prior to a walk-through inspection of the subdivision roads on December 9, 2003. The sub grade was not proof-rolled before the gravel base was put down. Resch sought Village acceptance of the road infrastructure and asked to be relieved of the burden of removing the prematurely placed gravel. Referring to an engineer's site report of the walk-through, Van Lieshout stated that, if so inclined, the Board could accept the roads with an extended developer warranty period. Although Resch requested a two-year warranty period, Van Lieshout reported that the Village has experienced road failures as long as four years after it assumed responsibility for the infrastructure. It was the consensus that the developer should work with the Village Engineer on a proposal for conditioned acceptance ie. 5-year developer warranty, cash escrow or developer agreement to cover costs such as grading, chip sealing, and dust control if incurred by the Village as a result of delaying asphalt surfacing. Rosenbeck may use his discretion to determine how stringent the terms of the conditions should be.

- b) Discussion regarding high-water condition at Kesler Road – Van Lieshout reported a concern from Town of Harrison Chairman Joe Sprangers that Kesler Road is being flooded with water coming from Sherwood’s waste water treatment plant and increased upstream runoff. In an on-site meeting with town officials and the road superintendent, the marshy area in question was observed. Van Lieshout pointed out that the plant only put out an average 300,000 gallons per day and that a large majority of the water shed lies in the Towns of Harrison and Woodville. He also suggested that they look at downstream obstructions for the source of the water problem. Van Lieshout expressed the opinion, supported by Engineer Rosenbeck following an inspection of the site, that no scientific evidence exists to substantiate Village culpability.

11) Presentation of correspondence, resolutions, and related matters

- Discussed impact of recently passed 2003 Wisconsin Act 317, known as the anti-annexation bill. This bill took effect on May 7, 2004 and will impact any annexation not enacted by that date. Unless boundary agreements are entered into, cities/villages will be required to pay to towns an amount equal to the property taxes levied in the annexation year. The payments are required annually for five years. Beach questioned if these costs can be passed to the party/ies initiating the annexation. Van Lieshout was asked to investigate how other municipalities intend to handle new annexations.
- Discussed pending Taxpayer Bill of Rights [TABOR] legislation. Barribeau reported that Colorado has experienced severe financial difficulties as a result of similar legislation and is taking steps to reverse the law. It is thought that, because initiating parties cannot agree on the language of the Wisconsin bill, the legislation will likely fail to go forward.

12) Adjournment – ***Thomson moved to adjourn at 7:35 p.m. Barribeau second. Motion carried.***

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

**Village Board Meeting Minutes**  
**June 14, 2004**

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:31 p.m.

Roll call:	<b>Present</b>	<b>Others Present</b>
	Bill Barribeau	Josh Van Lieshout, Coordinator
	Joe Beach	Ellen Maxymek, Clerk
	Barb Jack	
	Roger Kaas	
	Joyce Laux	
	David Miller	
	Carl Thomson, arrived 7:36	

- 2) Pledge of Allegiance

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of the May 10, 2004 meeting. Kaas second. Motion carried. Barribeau moved to approve the May 24, 2004 meeting minutes. Kaas second. Motion carried.*

- 5) Registered citizen comments on agenda items

- Roy Knoll, N7981 Carriage Court, agenda item 10) b).
- Laurie Schinke, N7991 Carriage Court, agenda item 10) b).
- Harold Wahlfeld, N7986 Carriage Court, agenda item 10) b).
- Phil Graebel, N7995 Carriage Court, agenda item 10) b).
- Dan Stein, W5142 Park Drive, agenda item 7) d).

- 6) Consent Agenda

- a) Alcohol Beverage License Approval

- i) Original Alcohol Beverage

- (1) Class B Malt Beverage, Liquor & Wine

- (a) Schabow's Granary, LLC, dba The Granary, Wanda Schabow, Agent

- ii) Renewal Alcohol Beverage

- (1) Class A Malt Beverage, Liquor & Wine

- (a) Condon Oil Co., Inc., dba Sherwood Mobil Mart, Kraig Bauman, Agent

- (2) Class B Beverage, Liquor & Wine

- (a) Holz-in-One, Inc., dba Sherwood Forest Country Club, Gregg Holz, Agent

- (b) Jean M. Spranger, dba Jeanne's

- (3) Temporary Class B/Class B Retailer's

- (a) St. John/Sacred Heart Parish, Charlie & Wendy Gehl, Event Manager

- b) Tobacco Products Retail Outlet License

- i) Renewal Tobacco Products

- (1) Condon Oil Co., Inc., dba Sherwood Mobil Mart, Kraig Bauman, Agent

- (2) Jean M. Spranger, dba Jeanne's

***Barribeau moved to approve all alcohol beverage and tobacco products licenses listed under items a) and b). Laux second. Motion carried.***

- c) Operator's License
  - i) Original Operator's Licenses
    - (1) Alison A. Zwirchitz
    - (2) Tracy L. Koffarnus

***Barribeau moved to approve the original operator's licenses listed under items c) i). Laux second. Motion carried.***

- ii) Renewal Operator's Licenses
  - (1) Mitchell Nabbefeld
  - (2) Jacqueline Ann Millard
  - (3) Jana M. Schuster
  - (4) Jill M. Wunrow
  - (5) Christopher M. Schlies
  - (6) Tami D. Verhagen
  - (7) Kelly Jo Romenesko
  - (8) Elizabeth A. Kasper
  - (9) Julie G. Resch
  - (10) Shirley M. Jacobs
  - (11) Corey Feller
  - (12) Abbey Gregory
  - (13) Douglas R. Laux II
  - (14) Kim M. Van Rossum
  - (15) Kristine A. Van Rossum
  - (16) Mathew L. Van Thiel
  - (17) Dawn M. Marshek
  - (18) Donavon F. Weiss
  - (19) Joel Pethan
  - (20) LeRoy T. Spencer
  - (21) Glennie Jane Lopez
  - (22) Jennifer L. Stoeckert
  - (23) Karen L. Ritzke
  - (24) David Harder
  - (25) Theresa Reiter
  - (26) David Breckheimer
  - (27) Patrick D. Deschaine
  - (28) Tamara L. Thiel

***Kaas moved to approve the renewal operator's licenses listed under items c) ii). Laux second. Motion carried.***

- 7) Report of the Plan Commission
  - 1) Action Items
    - a) Recommended creation of an ordinance annexing property as petitioned by unanimous approval of owners Lakeshore Estates Ltd. – ***Laux moved to approve***

*the recommendation of the Plan Commission creating an ordinance annexing property as petitioned by unanimous approval of owners Lakeshore Estates Ltd. Kaas second. Motion carried.*

- b) Recommended denial of a request by Lakeshore Estates Ltd. to construct a sign in the road right-of-way at the entrance to proposed Lakeshore Estates East Subdivision – *Laux moved to approve the recommendation of the Plan Commission denying a request by Lakeshore Estates Ltd. to construct a sign in the road right-of-way at the entrance to proposed Lakeshore Estates East Subdivision. Miller second. Motion carried.*
  - c) Recommended approval of a certified survey map dividing Lot 24 Nature Haven Estates into two lots, creating a zero lot line duplex with all encumbrances as required by the zoning code – *Kaas moved to approve the recommendation of the Plan Commission approving a certified survey map dividing Lot 24 Nature Haven Estates into two lots, creating a zero lot line duplex with all encumbrances as required by the zoning code. Laux second. Motion carried.*
  - d) Recommended approval of a certified survey map combining Lot 1 CSM 1468, Lot 1 CSM 1922, and Outlot 1 CSM 1514 – Dan Stein stated that the reason for combining the parcels is to add two small unbuildable parcels to the larger lot. *Barribeau moved to approve a certified survey map combining Lot 1 CSM 1468, Lot 1 CSM 1922, and Outlot 1 CSM 1514. Laux second. Motion carried.*
- 2) For Information Only
- a) Tabled discussion and action on a proposed amendment to the 2000 Sherwood Land Use Plan, changing the planned land use from agriculture to planned residential development on land located in sections 19, 20, and 30 Town 20 North Range 19 East Town of Harrison until information regarding impact of development can be determined
  - b) Tabled discussion and action regarding a petition for direct annexation by unanimous approval submitted for approval by Henry and Denise Feider
  - c) Tabled discussion and action regarding a petition for direct annexation by unanimous approval submitted for approval by Charles and Julie Loderbauer
  - d) Following an inquiry from Brian and Molly Nettekoven and contractor Tom Vanden Heuvel, the Plan Commission indicated a willingness to consider a future site plan for a restaurant and bar on property abutting Veterans Avenue proximate to T.J. Foods and Best Advantage Credit Union – Beach asked to be on record as opposing this site plan due to the proximity of the site to Village property that is designated as a future school site.
- 8) Report of the Community Development Authority
- 1) Action Item
    - a) Following a public hearing during which no questions or comments were voiced the Authority acted to approve Resolution 2004-18 of the Sherwood Community



Development Authority determining High Cliff Golf Course to be blighted – Van Lieshout reported that an agreement with the Golf Course owners to fund an irrigation project is in progress. A draft of that agreement will be presented to the Village Board before it is finalized.

9) Report of Village Officers

a) President – Nothing to report.

b) Clerk/Treasurer

i) Review Disbursement reports – Disbursement reports were reviewed.

ii) Discussion reviewing services from financial institutions – Information was reviewed. However, pending future developments, no change to present banking relationship was recommended.

10) Village Coordinator

a) Complaints and Compliments

- A complaint from Jeff Holtz, N498 Nottingham Court, regarding inadequate refuse collection was reported.
- A complaint was reported from Joann Gerrits, N585 Robinhood Drive, who finds the painted yellow centerline striping offensive and lacking the rural aesthetic for which they moved to Sherwood.
- Tom Pietrzak complimented the Public Works crew on the nice upkeep of the Wanick Park baseball diamond this year.
- A compliment was reported from Sally Leopold, Margaret Court, regarding quick response time in patching a road washout on the street.

b) Discussion regarding Mustang Detention Pond – Responding to pond beautification requests from neighboring property owners, Van Lieshout stated that he has spoken to Contractor Randall Maurer of Native Solutions, who prepared a proposal for shoreline planting at the request of the group. The contractor indicated that fall is a better time to plant. Permits may be required if the pond level needs to be lowered to accomplish a project. Sediment traps, rip-rap or beach matting might control the shore erosion problem. Roy Knoll reported that the proposal to plant water tolerant species was quite low but if shoreline erosion control/construction becomes involved the cost skyrockets. Van Lieshout reminded the group that public projects over \$15,000 must be publicly bid. Van Lieshout will look into erosion control and permit issues. At the request of Trustee Kaas, he will also obtain an opinion regarding the stability of the shoreline.

c) Discussion and action regarding State Park Estates IV development agreement – Correspondence dated June 10, 2004 from Village Engineer Rosenbeck was reviewed. Rosenbeck enumerated the conditions to roadway acceptance. Commenting on the start date of a 5-year road warranty period, Barribeau stated that the warranty

should begin with the signing of the developer agreement. He also asked who will hold a cash bond and under what circumstances developer reimbursement for costs to maintain the gravel roads will be initiated. Kaas asked for assurances that the Village will be reimbursed for costs to implement the agreement. Van Lieshout and Rosenbeck will draft the agreement.

- d) Discussion and action regarding Mustang Acres II development agreement – The discussion as recorded under agenda item c) pertains also to the Mustang Acres II development agreement.
- e) Discussion and action to approve Ordinance 04-84, Regulating Commercial and Charitable Solicitations – This being the second reading of this ordinance, ***Kaas moved to adopt Ordinance 04-84, Regulating Commercial and Charitable Solicitations. Barribeau second.*** Discussion followed. ***Kaas moved to amend Section 5. Approval and Investigation, sentence two, to wit: The Village Clerk ~~may~~ shall refer any application to any appropriate law enforcement agency for further investigation and recommendation. Barribeau seconded. Motion to amend carried. Barribeau moved to amend Section 9. Disclosure Requirement, (a) to wit: ...shall disclose his or her name, the name of the business or organization he or she is affiliated with and the identity of the goods and services offered, and shall present identifying license/permit. Thomson second. Motion to amend carried. Main motion carried as amended.***
- f) Discussion and action to approve Ordinance 04-85 Annexing Territory to the Village of Sherwood, Wisconsin – ***Laux moved to approve Ordinance 04-85 Annexing Territory to the Village of Sherwood, Wisconsin. Miller second. Motion carried.***
- g) Discussion and action to approve holding a public hearing collecting public comment a hotel/motel room tax ordinance – Laux inquired whether generated revenues could be held by the community development authority for future advertisement or benefit to the Village as a whole. After discussion of the purposes for instituting a room tax ***Thomson moved to table the matter. Beach second. Tabled.***
- h) Discussion and action to approve placing "children at play" signs on State Park Road – Following discussion the trustees were unconvinced that posting signs will alleviate child safety issues. Miller requested that these signs be inventoried throughout the Village and consideration be given to moving some signs to new locations. Other methods of controlling vehicle safety were discussed, ie. portable speed and safety warning signs; request additional sheriff department enforcement and/or more frequent use of the county's portable sign. Beach requested that Van Lieshout bring signage costs to the attention of the Board again at a future meeting.
- i) Discussion regarding 2003 Draft Financial Statements and Management Letter submitted by Virchow/Krause – The auditor statements and letter were reviewed and comments and corrections noted for transmittal to the accounting firm.
- j) Discussion and action to approve a ditch enclosure request for Lot 13 First Add'n. to Cliffwood Estates, N7853 Rocksbury Court – Correspondence from Engineer

Rosenbeck of McMahon Associates stated the necessary terms for enclosure of the existing drainage way at the rear of Lots 13, 14, and 15. He summarized that the ditch enclosure would require a designed buried storm sewer system. He also stated that the front ditch enclosure of Lot 13 would require an inlet structure to allow surface drainage to enter the enclosed ditch pipe system at several locations.

Rosenbeck expressed concern about the proliferation of enclosed ditches. He would like the following two issues addressed:

- Responsibility for maintenance and possible replacement of enclosed pipe may be at issue in the future as the structures deteriorate and as ownership changes.
- When future road reconstruction is implemented it should be understood that the temporary enclosures will be replaced by a centralized storm sewer system and property owners will be responsible for cost sharing the reconstructed system.

After reviewing the engineering documentation no action was forthcoming on the ditch enclosure request for Lot 13 First Add'n. to Cliffwood Estates, N7853 Rocksbury Court.

11) Presentation of correspondence, resolutions, and related matters

- Hawkinson notice of violation reviewed
- Recycling program evaluation reviewed
- J&E Construction contract overpayment reviewed
- Robert L. Cowles jobs & economic development initiatives reviewed.
- Attorney Carlson correspondence reviewed.

12) Adjournment – ***Beach moved to adjourn at 9:35 p.m. Thomson second. Motion carried.***

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

**Village Board Meeting Minutes**  
**June 28, 2004**

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:30 p.m. with a call of the roll:
- | <b>Present</b> | <b>Absent</b>                  |
|----------------|--------------------------------|
| Bill Barribeau | Barb Jack                      |
| Joe Beach      | David Miller, Excused          |
| Roger Kaas     | <b>Others Present</b>          |
| Joyce Laux     | Josh Van Lieshout, Coordinator |
| Carl Thomson   | Ellen Maxymek, Clerk           |
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Kaas second. Motion carried*
- 4) Approval of Minutes – *Barribeau move to approve the minutes of June 14, 2004. Laux second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Tim Stevenson, N7916 Pigeon Road, re agenda item 9) d). Stevenson presented information regarding availability and cost of speed signs.
- 6) Consent Agenda
- a) Alcohol Beverage License Approval
- i) Original Alcohol Beverage
- (1) Class B Malt Beverage, Liquor & Wine – *Kaas moved to approve. Thomson second. Motion carried.*
- (a) Crabby Julie’s Bar & Grill, LLC, Julie A. Roovers, Agent
- ii) Renewal Alcohol Beverage
- (1) Class A Malt Beverage, Liquor & Wine – *Thomson moved to approve. Kaas second. Motion carried.*
- (a) T.J.’s Food, LTD of Sherwood, Anthony J. Mueller, Agent
- (2) Class B Malt Beverage, Liquor & Wine – *Laux moved to approve. Thomson second. Motion carried.*
- (a) The Cliffs of Sherwood, LTD, dba High Cliff Restaurant, Douglas R. Schneider, Agent
- (b) Duncliff, Inc. dba Shenanigans, Rick Dunnum, Agent
- (3) Class B Malt Beverage – *Barribeau moved to approve. Thomson second. Motion carried.*
- (a) High Cliff Golf Course, Inc., Robert D. Jome, Agent
- b) Tobacco Products Retail Outlet License Approval – *Barribeau moved to approve. Kaas second. Motion carried.*
- i) High Cliff Golf Course, Inc., Robert Jome, Agent
- ii) T.J.’s Food, LTD of Sherwood, Anthony J. Mueller, Agent

iii) Crabby Julie's Bar & Grill, LLC, Julie A. Roovers, Agent

c) Operator's License – **Thomson moved to approve all Operator's Licenses. Laux second. Motion carried.**

i) Original Operator's Licenses

- (1) Alison A. Zwirchitz
- (2) Tracy L. Koffarnus
- (3) Michael P. Wettstein
- (4) Krystal R. Roovers

ii) Renewal Operator's Licenses

- (1) Scott Burt
- (2) Ellen M. Schuh
- (3) Jean C. Kuepper
- (4) Scott D. Halbach
- (5) Matthew J. Preissner

7) Report of the Utility Commission

1) ACTION ITEMS -

a. Commissioners approved an Agreement of Professional Services with McMahon Associates for the 2004 Sanitary Manhole Reconstruction Project. **Kaas moved to approve. Laux second. Motion carried.**

b. Commissioners tabled action to approve sewer and water impact fees. Commissioners requested that the Village Engineer present the Connection Fee Calculations tables, as presented to the Utility Commission, to the Plan Commission and the Village Board. The Utility Commission requests feed back from the Plan Commission and the Village Board. No action required by Village Board.

c. Commissioners approved the purchase of a replacement computer for Sherwood WWTP pending review by Tom Vick, McMahon Associates, WWTP Project representative, of IntelliSys' proposal and possible acceptable alternative proposal. The Utility Commission questioned the "On-Site Services Subtotal" of \$2,550 from IntelliSys Information Systems. **Kaas moved to approve. Laux second. Motion carried.**

d. Commissioners tabled action to approve the hiring of an additional utility technician. Commissioners request that Van Lieshout address all of the justification items for potential hiring listed in the May 17, 2004 minutes. Commissioners want Van Lieshout to breakdown and list daily activities for each of the current utility technicians and then list the daily activities an additional employee would perform. Commissioners also instructed Van Lieshout to contact the Village labor attorney to discuss the possibility of changing the utility technicians' current Labor Agreement Workweek and Overtime wording. The Commissioners suggest rewording the regularly scheduled forty (40) hours workweek, eight (8) hours a day. The Commissioners, in attempt to eliminate overtime expense, suggest a rotating weekend work schedule for the utility technicians. Suggested change in wording for the utility technicians Labor Agreement shall state Saturdays and Sundays, Saturday being the first day of the workweek, as part of their regularly scheduled forty (40) hours

workweek, eight (8) hours a day not as overtime hours. Any holidays falling on the regularly scheduled rotating weekend would also need to be addressed. No action required by Village Board.

2) DISCUSSION ITEMS:

- a. Commissioners advised the Village engineer to proceed with the water quality improvement bench tests. Trial One is scheduled to begin Wednesday, June 23, 2004. The Village engineer suggested, prior to bench tests, that the utilities heed the May 17, 2004 DNR correspondence recommendation to conduct additional trihalomethane testing. Commissioners instructed Van Lieshout to schedule an emergency meeting, if necessary, regarding the trial bench test.
- b. Commissioners advised revisions to the clear water control ordinance. Commissioners suggest rewriting Section (2) Nuisance and addressing homeowners and contractors separately in Section (4) Inspection and Section (6) Fines. Commissioners suggested immediate disconnection and a \$1,000 fine is required of the contractor. A copy the clear water ordinance shall be included in building permit packets. A Utility Commission representative will be present at the July 6, 2004 Plan Commission meeting and the July 12, 2004 Village Board meeting to discuss proposed changes to the clear water control ordinance.
- c. Commissioners instructed Van Lieshout to submit a plan for corrective action, including a work schedule or completion of corrective action within the required 45 days of receipt to Ken Scherer, WDNR, in accordance with recommendations and requirements listed in the 2004 report of the sanitary survey of the public water supply system serving the Village of Sherwood.

8) Report of Village Officers

- a) President – None.
- b) Clerk/Treasurer
  - i) Review Disbursement reports – Reports reviewed.

9) Village Coordinator

- a) Complaints and Compliments – None.
- b) Discussion and action to approve the Kaukauna Times-Villager as the Official Newspaper of the Village of Sherwood – The Board discussed the relative value of saving approximately 25% of costs if required publications are printed in the Times-Villager versus the service to the community effected by greater circulation of the Post Crescent at more than four times that of the Times-Villager. ***Laux moved to table to next meeting. Thomson second. Motion tabled.***
- c) Discussion and action to approve entering into a smart growth planning Memorandum of Understanding with Calumet County – ***Kaas moved to approve a smart growth planning Memorandum of Understanding with Calumet County. Barribeau second. Motion carried.***

- d) Discussion regarding speed trailers/speed display boards and radar photography traffic law enforcement – Van Lieshout presented information on various methods of controlling traffic speed including automated traffic law enforcement, and radar speed signs and trailers. Van Lieshout was asked to gather information relative to possible cost sharing of radar speed trailer with nearby municipalities. He was also instructed to find and present information on possible grant funding, other communities' experiences with radar speed signs and trailers, and summary comparison of various equipment features and costs.

10) Presentation of correspondence, resolutions, and related matters

- Presented information regarding the budget crises from Mary Panzer.
- Presented information regarding TABOR (Taxpayer's Bill of Rights)
- Van Lieshout said there were no known problems as a result of the Triathlon on June 20, 2004 other than some Sunday morning traffic delays. He reported that multiple jurisdictions cooperated very well to assure a positive outcome and credited the hard work of Lt. John Hocks of the Calumet County Sheriff Department in organizing for the event.

11) Adjournment – ***Beach moved to adjourn at 8:10 p.m. Barribeau second. Motion carried.***

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

## Village Board Meeting Minutes July 12, 2004

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

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Jennifer Schaaf, Engineer
Joe Beach	Josh Van Lieshout, Coordinator
Barb Jack	Ellen Maxymek, Clerk
Roger Kaas	
Joyce Laux	
David Miller	
Carl Thomson	
  
- 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 June 28, 2004. Laux second. Motion carried.*
  
- 5) Registered citizen comments on agenda items
  - Kathy Salo, W4865 Forest Lane, re agenda item 7)1)c)
  - Robert Wittmann, Lakeshore Estates LTD, W5146 Natures Way Drive, re agenda item 7)1)a)
  - Scott Andrews, N6048 Timberline Drive, re agenda item 9)e)
  - Rollie Stephenson, N7797 Lakeshore Lane, re agenda item 9)e)
  
- 6) Consent Agenda
  - a) Operator’s License Approval – *Barribeau moved to approve the listed operator’s licenses. Thomson second. Motion carried.*
    - i) Jennifer L. Zeamer
    - ii) Jennifer L. Nitzband
  
- 7) Report of the Plan Commission
  - 1) **Action Items**
    - a) Recommended approval of the final plat of Lakeshore Estates East with the following conditions:
      - i) *Lots 73 through 92 will not be sold until a storm water drainage and storage system has been developed for that portion of the plat because these lots will not be buildable until the system is constructed.*
  
      - ii) *To protect the wetlands areas of the plat, language restricting the filling, altering, or building in the wetlands areas will be recorded on the plat.*
  
      - iii) *Lots around Outlot One (1) will be restricted from having walk-out basements. Foundation elevations identified on the drainage plan will be strictly adhered to. These restrictions will be recorded on the plat and in restrictive covenants.*



- iv) Outlot One (1) will be conveyed to the Village of Sherwood and will be maintained by abutting property owners. Said conveyance and maintenance responsibility will be recorded on the plat of the subdivision. Responsibility for maintenance of the area outside of Outlot One (1) on the rear of Lots 30 thru 45 will be recorded on the plat. Additionally, responsibility for maintenance of the areas outlined herein will be specified in covenants and restriction document.**
- v) The Village will be provided paved access to Outlot One (1). This access will be conveyed by recorded easement.**
- vi) Although preferred, vegetation will not be required above the rip rap along the shoreline of the pond on Outlot One (1). A 10' safety shelf below the rip rap will be constructed of which the first 2 feet will be stone. Again aquatic vegetation, though preferred, will not be required –** The Village Board discussed the acceptability of the developer's plan not to plant aquatic vegetation. Robert Wittmann stated that his development group preferred the look of a fully rip-rapped pond bank. He reported that aeration will be provided by a water fountain which would be maintained by abutting property owners.
- vii) Technical issues of how drainage will be handled on the western parts of Lots 1, 2, 72, and 62 following the urbanization of the east side of Pigeon Road will be resolved by agreement of the Developer's Engineer and the Village Engineer.**
- viii) The trail system as described in the preliminary plat approval will be platted and constructed. (See PC Minutes 3/1/04 items 6) i), viii), ix) as attached and incorporated in this report.) In addition the Developer will provide a paved trail on the south side of State Park Road between High Cliff Cemetery and Pigeon Road.** Kaas questioned why the development trail plan deviates from the Official Trail Map which locates future trail along the old railroad spur. Van Lieshout explained that the alternative plan proposed by the developer for a future phase of the subdivision has the advantage of providing an east-west trail the length of Natures Way Drive from Pigeon Road to Stommel Road. This would avoid a duplicative north-south trail (along the railroad spur) a quarter mile east of the Pigeon Road trail. The developer has also agreed to install a paved trail on the south side of State Park Road from Pigeon Road to the edge of the High Cliff Cemetery property thus completing the looping trail around the "butterfly" ponds.
- ix) Lakeshore Estates LTD will prepare and submit a Development Agreement for approval to resolve outstanding issues to include:**
- Cost sharing of the Miller Pond Outfall Sewer**
  - Construction of a trail on Natures Way Drive**
  - Payment for curbing on Pigeon Road along the plat**
  - Construction of a trail along the east edge of this plat in the DNR corridor**
  - Buffer zone at the rear of Lots 84 through 92 adjacent to the No. 13 fairway**
  - Review and approval of restrictive covenants**
  - Parkland dedication or fee and waiver of storm water fees**
  - Payment for development of Fox detention basin**

After review and discussion of the plat *Miller moved to approve the final plat of Lakeshore Estates East with the conditions as stated. Kaas second. Motion carried. Beach opposed.*

- b) Recommended approval of a certified survey map dividing Lot 21 Nature Haven Estates into two lots, creating a zero lot line duplex – *Laux moved to approve a certified survey map dividing Lot 21 Nature Haven Estates into two lots, creating a zero lot line duplex. Barribeau second. Motion carried.*
- c) Recommended approval of a certified survey map combining Lot 55 High Cliff Recreation Plat No. 2 and part of the NW 1/4 of the SW 1/4 Section 30, Town 20 North, Range 19 East Village of Sherwood – *Barribeau moved to approve a certified survey map combining Lot 55 High Cliff Recreation Plat No. 2 and part of the NW 1/4 of the SW 1/4 Section 30, Town 20 North, Range 19 East Village of Sherwood. Laux second. Motion carried*

2) **For Information Only**

- a) The Plan Commission indicated it's support of Sherwood Sewer and Water Utility multi-tiered impact fee increase provided that when established the fees will have an annual escalator component to cover future projected growth.
- b) Discussed the site and building plan for Sherwood Bar and Grill. No action was taken pending division of property by certified survey. Coordinator clarified that a private street could provide access to the site if it is built to Village standard and on the condition that the street will be conveyed to the Village as a public street at such time that it becomes beneficial to future development. An extension of the sewer main from Castle Drive will be necessary to service the site – Van Lieshout stated that the Village would require that a private street be constructed with a 66' right-of-way easement to the Village. The private street would be privately maintained until and unless the Village acquired it as a public roadway in the future. He reported that the property is located in a C-1 commercial zoning district and that bar/restaurant facilities are principally permitted in C-1 zones. Although commercial site plans are required to be reviewed by the Plan Commission and must conform to zoning law, the commission cannot make requirements so burdensome as to prevent the principally permitted use.
- c) The Plan Commission clarified its position on development of Camelot Estates. Reiterating that due to the high cost to provide water and sewer conveyance and storage, outstanding issues related to drainage of the property, unplanned land use other than agriculture, the Commission does not consider it prudent to proceed to develop the property for residential use for several years into the future.
- d) The Plan Commission stated it would not object to annexation of the Loderbauer and Feider properties with the proviso that the land use would remain agricultural for an undetermined number of years. Payments in amounts equivalent to 2004 taxes would be made to the Village for remittance to the Town of Harrison per recent changes in

annexation legislation. These payments would be over and above taxes payable to the Village.

- e) Reviewed the Calumet County Issues and Opportunities Exercise Summary
  - f) Reviewed the Population, Housing, and Economic Development Summary, Calumet County Comprehensive Plan
  - g) Discussed and reviewed the Calumet County Comprehensive Plan Goals and Objectives noting changes for incorporation into the document. Additional changes can be transmitted to Joe Hennlich by July 23, 2004.
- 8) Report of Village Officers
- a) President
  - b) Clerk/Treasurer
    - i) Review disbursement reports – Reports were reviewed.
- 9) Village Coordinator
- a) Complaints and Compliments
    - i) Ron Engmann regarding dandelions at Schneider Park – Mr. Engmann requested that the park be treated with weed killer. Van Lieshout reported that the Village does not chemically treat any of its property.
    - ii) Andrea Knutson regarding cutting cattails from ditch bottoms – According to Van Lieshout the Village is once again doing maintenance to facilitate optimal ditch drainage.
  - b) Presentation from Utility Commission representatives on raising sewer and implementing water impact fees – Kaas reported on behalf of the Utility Commission that the sewer and water utility will need to spend approximately 3.3 million dollars in the near future to upgrade and expand the sewer plant, force mains, water storage and delivery system to keep pace with expanding demand. The Commission wishes to fund these projects through impact fees to be collected from new building construction rather than through rate increases to current customers. The Commission has not yet contemplated the effect of impact fees on multi unit construction.
  - c) Discussion and action to approve the Kaukauna Times-Villager as the Official Newspaper of the Village of Sherwood [Tabled June 28, 2004] – ***Laux moved to untable. Kaas second. Motion carried.*** Maxymek reported a possible savings of \$900 per year if legal notices were published in the 25% lower cost Times-Villager. However the Times-Villager per subscriber annual cost calculates at \$33.75 due to the low subscriber volume. By contrast the Post Crescent per subscriber cost equates to \$9.00 per year. ***Laux moved to name the Times-Villager as the official publication site of the Village effective September 1, 2004. Residents will be notified of this change through the next issue of the Village newsletter. Jack second. In a call of the roll Barribeau, Jack, Laux, Miller, and Thomson voted in favor. Beach and Kaas voted against. Motion carried.***

- d) Discussion and action to amend Ordinance 52 requiring portable toilets at all construction sites – After discussion ***Laux moved to approve a first reading of an amendment to Sherwood Public Nuisance Ordinance 94-52 as follows: Section 4. f) Public Urination and Defecation. It shall be unlawful for any person to urinate or defecate outdoors in any area open to public view.***
- (1) Portable Restrooms Required. It shall be required that all construction, demolition, or other worksites where private or public restrooms are not available shall have portable, properly maintained restrooms on site for the duration of the project or, in the case of residential and commercial construction, final occupancy is given.***

***Barribeau second. Motion carried.***

- e) Discussion and action to amend Ordinance 52 requiring general contractors to sweep streets 200 feet of either side of the entrance to the construction site once a week – After discussion of section 5. k) Ordinance 52 which regulates obstructions of streets, ***Kaas moved to amend the section adding the following:***
- (1) Street Sweeping: Construction, demolition or other worksites are required to maintain a street free from mud, gravel, or other obstructions at the end of each workday.***

***Barribeau second. Motion carried.***

- e) Discussion and action to approve an easement for an existing and additional telephone cable in Legion Park – TDS Telecom has requested an easement across Legion Park property to install an additional telephone cable to service the growing Village. ***Miller moved to approve the requested easement. Barribeau second. Motion carried.***
- f) Review of 2003 Audit Report – The 2003 year end financial reports were reviewed.

10) Presentation of correspondence, resolutions, and related matters

- a) Invitation to join Calumet County Land and Water Conservation Department Annual Bus Tour
- Beach asked the Coordinator to arrange a meeting between the representatives of the Kaukauna School Board and the Village Board to discuss the district's plans regarding a possible future school in the Village. Beach particularly wants assurance that the district is interested in the Castle Drive site that the Village has designated for a future school vis-à-vis current interest in developing adjacent commercially zoned property as a bar/restaurant establishment.
  - Thomson asked if there is a Village law to remedy a trailer parked in the right-of-way on Spring Hill Drive.
  - Laux requested that, when the sale of the M&I Bank building is finalized, a discussion of the matter be put on a meeting agenda.
  - Kaas requested that a midyear review of the status of administrative goals be placed on the agenda.

- Jack requested that discussion of progress on development of a web-site be placed on a meeting agenda.

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

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

## Village Board Meeting Minutes July 26, 2004

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

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Joe Beach - Excused
Barb Jack	<b>Others Present</b>
Roger Kaas	Josh Van Lieshout, Coordinator
Joyce Laux	Ellen Maxymek, Clerk
David Miller	
Carl Thomson	
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Laux second. Motion carried unanimously.*
  
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of July 12, 2004. Thomson second. Motion carried unanimously.*
  
- 5) Registered citizen comments on agenda items
  - Laurie Schinke, N7991 Carriage Ct., re agenda item 9) d). Asked if annual treatment or maintenance of Mustang Pond will be performed to keep algae under control. Van Lieshout responded that the continual flow of water in and out of this detention basin would wash chemicals away, rendering treatment ineffective. The pond is purposefully designed with a shallow slope and safety shelf and has insufficient depth to deter algae growth. Aeration may keep algae strands shorter but will not inhibit growth. Van Lieshout continued that regular sweeping of trails, mulching of trees and general upkeep of parks/ponds/trails is limited by availability of funds.
  
  - Scott Andrews, N6048 Timberline Dr., re agenda item 9) d). Stated that a number of trees at the Wanick Park and in the Nuthatch Pond area appear to have died.
  
- 6) Consent Agenda
  - a) Operator’s License Approval
    - i) Michael V. Schlaak – *Barribeau moved to approve issuing an operator’s license to Michael V. Schlaak. Thomson second. Motion carried unanimously.*
  
- 7) Report of the Utility Commission – *Following review of the report Kaas moved to approve action items a) and b) and to accept the Utility Commission report. Miller second. Motion carried unanimously.*
  - 1) ACTION ITEMS:
    - a. Commissioners approved the establishment of a \$4,000 impact fee applicable to each unit of new construction to cover infrastructure cost which will be outlined yearly in the Capital Budget Plan and will be addressed annually prior to the upcoming year budget. Current \$500 sewer connection fee for new construction will be retained – *Van Lieshout will draft an ordinance for the establishment of impact fees which will then come for public hearing and consideration by the Village Board. The Utility*

*Commission will review impact fees annually but did not opt for an automatic annual escalator. Kaas stated that the Utility Commission wants to tie the amount of impact fees directly to funding of capital projects required to serve increasing population. Fees could increase or decrease as projects are completed or eliminated, therefore, an automatic escalator would not be useful.*

- b. Commissioners approved amending the clear water control ordinance with the suggested rewording and pending attorney review and approval – *Van Lieshout reported that the Utility Commission wants to strongly discourage the drainage of sump pump or downspout storm water discharge into the sanitary sewer system by substantially increasing the fine for violation of the clear water control ordinance.*

2) CONSENSUS ITEM:

- a. Commissioners consented to the Village Coordinator's request for assistance from the Village Engineer for the re-issuance of the WWTP WPDES Permit due by October 1, 2004.

3) DISCUSSION ITEMS:

- a. The Village Engineer and Village Coordinator stated that an informative meeting is scheduled to be held on July 28, 2004 regarding the Golf Course Road Reconstruction project for property owners on Spurline Ct, N. Niagara Ct, S. Niagara Ct, 14<sup>th</sup> Ct, Sunset Lake Ct, Palisades Circle and Palisades Trail from Golf Course Road to Spring Hill Drive.
- b. The Village Engineer will be able to supply the Utility Commission with further information regarding water main depths after more depth studies are conducted. The related costs to the Sherwood Sewer and Water Utility will be assessed after the July 28, 2004 Golf Course Road Reconstruction Project informative meeting.
- c. Commissioners request the Village Engineer and Gary Hess, Utility Technician, present to them the potential benefits for adding a water main loop on Timberline Drive for the August 2004 Utility Commission meeting.

4) Report of Village Officers

- a. President – No report.
- b. Trustee Barb Jack
  - i. Discussion on uniformity and enforceability of restrictive covenants – Referring to a list of issues presented in the meeting packet, Jack asked if uniform restrictive covenants could be enacted throughout the Village so that they can be enforced by the Constable. Van Lieshout explained that covenants are a restrictive tool put in place and enforced by developers or subdivision associations. Covenants govern issues of importance within neighborhoods, vary from development to development, and often are more restrictive than local law. Ordinances are enacted by the elected governing body and are uniformly applicable throughout the Village. Van Lieshout then reported the applicable ordinance governing the issues brought forward

by Jack and stated that the Village Board has exclusive authority to amend or enact new ordinance legislation.

- c. Clerk/Treasurer
    - i. Review financial reports – Reports were reviewed and Maxymek responded to questions.
- 5) Village Coordinator
- a. Complaints and Compliments – Francesca Honeywell reported contractors exceeding speed limits on Palmer Court and careless use of construction equipment on newly laid asphalt road surface.
  - b. Discussion regarding web site design and hosting – Van Lieshout reported that he is pursuing web site development as time permits. He referred to information forwarded by League of Wisconsin Municipalities which is partnering with similar organizations in 15 states, Avenet Web Solutions and Microsoft to offer GovOffice Content Management System for affordable, government oriented, interactive website development.
  - c. Discussion and action to determine if street length change to Maplewood Court in Lakeshore Estates East requires final plat to be resubmitted – After discussing the plat changes which are made necessary due to the DNR locating additional wetland areas, **Miller moved to refer the Maplewood Court issue back to the Plan Commission for review. Thomson second. Motion carried unanimously.**
  - d. Discussion and action to approve an agreement with Native Solutions LLC for the planting of wildflowers and grasses around Mustang Pond – Reviewed proposal from Native Solutions to chemically treat, prepare and seed native water plantings on an 8 foot strip around Mustang Pond in the amount of \$3431.02 or on a 16 foot buffer strip in the amount of \$6,666.04. The company additionally proposed pressure washing to remove algae growth from rocks around pond in the amount of \$1,626 but stressed that this is a cosmetic approach and will not permanently reduce algae growth. Laux verified that the Village is committing to maintain the native plantings around the pond in the future. Miller and Van Lieshout noted that neither pond depth nor long-term solution to algae growth will be affected by this project. Kaas recalled that a consensus of the Mustang Acre neighbors and a written commitment from abutting property owners to accept the proposed project would be furnished to the Board. The Board will consider the proposal further after abutting property owner have committed their approval.
  - e. Second reading and action to amend Ordinance 52 requiring portable toilets at all construction sites – **Barribeau moved to amend Nuisance Ordinance 52, adopting Section 4. f) and subsection 1). Laux second. Motion carried unanimously.**
  - f. Second reading and action to amend Ordinance 52 requiring that construction sites be kept free from mud, gravel, or obstruction – **Laux moved to amend**



***Nuisance Ordinance 52, adopting Section 5. k) and subsection (1). Barribeau second. Motion carried unanimously.***

- g. Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)© considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. ***Laux made motion to move into closed session after all other business is addressed. Kaas second. Motion carried unanimously.***
- 6) Presentation of correspondence, resolutions, and related matters
- a. Notice of Information Meeting for N/S Niagara Ct, 14<sup>th</sup> Court, Spurline Ct., Palisades Tr. & Sunset Lake Ct. – Van Lieshout reported that an information meeting has been scheduled on July 28 and notice was sent to property owners. Policy will not be debated nor will action be taken at the meeting but questions regarding urban/rural section road reconstruction will be addressed and comment received. Project Engineers Lee Reibold and Jennifer Schaaf will facilitate the meeting with Van Lieshout.

A later meeting will be scheduled to provide information regarding the storm sewer and road reconstruction project on Golf Course Road, Stommel Road, Forest Lane, Bridle Road and Black Cherry Court and to hear comment from property owners. Miller commented that the Village Board is committed to a permanent solution to the chronic drainage problems in that area.

- b. Invitation to County/Municipal Intergovernmental Meeting for Mayors, Town Chairs, and Village Presidents – Scheduled Wednesday August 18, 2004.
- Responding to Laux, Van Lieshout reviewed the progress to date on the draft developer agreement and warranty of the Mustang Acres II and State Park Estates IV roadways. Drafts have been reviewed by the developers and have been forwarded to counsel for review and comment.
  - Also to Laux, Van Lieshout reported that he has not started an inventory of Village signs at this time. He said he would like to tie this in with our municipal street maps utilizing geographic information system technology to chart the signs.
  - Van Lieshout will follow up on inquiries to local municipalities regarding possible cost and use sharing of speed trailer signs. Miller mentioned that local merchants in some communities are funding this type equipment in exchange for mention of their sponsorship on the trailer. This may be a way to fund equipment purchases.
  - Responding to Jack, Van Lieshout reported that he has contacted Kaukauna School District officials with regard to a meeting to discuss their level of interest in the Sherwood future school site. The business director of the district will schedule a meeting and inform the Coordinator of a meeting date. They did not express interest in appearing at a Village Board meeting.

***Kaas moved to proceed to closed session at 8:15 p.m. per State Statute 19.85(1) for the purpose of considering employment, promotion, compensation, or performance evaluation. Barribeau second. Roll call vote: Barribeau, Jack, Kaas, Laux, Miller, Thomson in favor. None opposed. Motion carried unanimously.***

***Kaas moved to return to open session at 8:55 p.m. Thomson second. Roll call vote: Barribeau, Jack, Kaas, Laux, Miller, Thomson in favor. None opposed. Motion carried unanimously.***

- 7) Adjournment – ***Thomson moved to adjourn at 8:56 p.m. Barribeau second. Motion carried unanimously.***

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

## Village Board Meeting Minutes

August 9, 2004

- 1) Call to Order and Roll Call - *President Miller called the meeting to order at 6:35 p.m.*  
*Roll Call:*

<b>Present</b>	<b>Absent</b>
<i>Bill Barribeau</i>	<i>Joe Beach (excused)</i>
<i>Barb Jack</i>	<i>Carl Thomson (excused)</i>
<i>Roger Kaas</i>	<b>Others Present</b>
<i>Joyce Laux</i>	<i>Jennifer Schaff, Engineer</i>
<i>David Miller</i>	<i>Josh Van Lieshout, Coordinator</i>
	<i>Kathy Mader, Finance Clerk</i>

- 2) Pledge of Allegiance
- 3) Approval of the Agenda - ***Barribeau moved to approve the August 9, 2004 agenda. Laux second. Motion carried unanimously.***
- 4) Registered citizen comments on agenda items -
- *Roy Knoll, N7981 Carriage Court, Item 9)d*
  - *Laurie Schinke, N7991 Carriage Court, Item 9)d*
  - *Donna Christie, N8007 Mustang Drive, Item 9)d*
  - *Dan Stein, W5142 Park Drive, Item 9)b*
  - *Todd Nennig, N6000 Timberline Drive, Item 7- 1)d*
  - *Robert Wittmann, W5146 Natures Way Drive, Item 7- 1)a*
  - *Jeff Samida, N7847 Cliff View Drive, Item 9)c*
- 5) PUBLIC HEARING: Zoning Ordinance Amendment to Sections 4-1(D) 2 and 7-4 allowing accessory structures other than a garage to exceed 120 square feet and clarifying major and minor accessory structures - *The Public Hearing was opened at 7:11 p.m. with three calls for comment and hearing none the Public Hearing was closed at 7:14 p.m.*
- 6) Consent Agenda - ***Barribeau moved to approve all three items on the consent agenda. Kaas second. Motion carried unanimously.***
- a) Maria Miller
  - b) Craig Larson
  - c) Jennifer Kersten
- 7) Report of the Plan Commission -  
***Item 1) a Barribeau moved to approve the revised street length for Maplewood Court of Lakeshore Estates East subdivision. Miller second. Motion carried unanimously.***  
*Discussion: Van Lieshout explained that the cul de sac was revised as a result of the developer, Lakeshore Estates Limited, being informed by the DNR of an additional wetland area located in the center of Maplewood Court. The original street plat indicated five (5) lots*

*in the center of Maplewood Court. The revised cul de sac has four (4) lots on Maplewood Court to allow for the shortened street length.*

***Item 1) b Tabled***

***Item 1) c Tabled***

***Item 1) d Barribeau moved to approve certified survey map combining lots 1, 2, 3, 4, 5 Timberline Estates into three lots. Miller second. Motion carried unanimously.***

*Discussion: Nennig requested approval of a certified survey map combining Timberline Drive Lots 1, 2, 3, 4, 5 into three lots.*

8) Report of Village Officers

- a) President
- b) Clerk/Treasurer
  - i) Review disbursement reports

9) Village Coordinator

- a) Complaints and Compliments - Discussion: *Jane Lemke, W73 N708 Locust Ave, Cedarburg, WI owns the parcel described as Lot 62, Lakeshore Estates IV (N7895 Ridgeview Ct). Ms. Lemke called the Village office on July 27, 2004 to file a complaint. Trustees directed Van Lieshout to write a letter to Ms. Lemke requesting her to attempt to deal with her neighbors regarding the issues.*
- b) Discussion and action to approve and amendment to sections Sections 4-1(D) 2 and 7-4 allowing accessory structures other than a garage to exceed 120 square feet and clarifying major and minor accessory structures - ***Tabled*** - Discussion: *Van Lieshout clarified that the maximum size issue is fifteen hundred (1,500) square feet for any one or combination of major accessory structures. An attached garage is a major accessory structure. Van Lieshout stated as Zoning Ordinance 97-65, Sections 4-1(D) (2) and 7-4 is currently written and as it came from the Planning Commission, if a resident, as example, has a seven hundred (700) foot attached garage, their detached (accessory) garage could not be more than eight hundred (800) square feet. Stein indicated that he is requesting approval to construct a forty eight (48) by thirty two (32) feet unattached major accessory structure which equals fifteen hundred thirty six (1536) square feet. Van Lieshout explained that the Village Board could hold the Public Hearing and then they would have the option to either table the action and send the issue back to the Planning Commission or table the action and request a new amendment be brought forth. Trustees requested Stein to submit exact square footage of his lot and exact square footage of his existing attached garage (major accessory structure) to Van Lieshout to be included on the August 23, 2004 meeting agenda, to be taken into consideration for wording of a new amendment.*
- c) Discussion and action to approve final location for trail section between Pigeon and Golf Course Road and provide contingency fund - ***Barribeau moved to approve final location for trail section between Pigeon and Golf Course Road and to provide \$5,000 contingency fund. Laux second. Motion carried unanimously.***

Related Matter: *Schaff requested Trustee's guidance regarding whether or not a trail extension should be included along Golf Course Road, per original contract for Golf Course Road Reconstruction Project. Schaff presented two alternatives: Alternate #1 is a path type, behind the curb, multi-use trail, and on one side of the road. Alternate #2 is a bicycle lane, four (4) foot lane, on both sides of the road. Alternate #2 is not multi-use, strictly for bicycles. Trustees were in consensus of Alternate #1, extending to Cliff View Drive. Trustees requested Van Lieshout to agendaize this item for discussion and action at future Village Board meeting.*

- d) Discussion and action to approve an agreement with Native Solutions LLC for the planting of wildflowers and grasses around Mustang Pond - *Discussion: Knoll stated that the interested neighbors of Mustang Pond are concerned about current and future treatment for algae growth. Van Lieshout explained that the issue of algae growth is not addressed in the proposal from Native Solutions. Schaff suggested that the property owners surrounding the Mustang Pond consider having their soil tested for phosphate levels which may affect the Mustang Pond algae growth due to runoff. Miller reiterated the fact that regardless of rock cleaning and planting flowers, the water level will not be affected. Barribeau requested that the Village engineer submit a letter of satisfactory review to the Village indicating recommended approval for an eight (8) foot buffer, three (3) to four (4) foot plants height surrounding the Mustang Pond, and additional cost to wash the rocks. **Kaas moved to go forward with Native Solution proposal for eight (8) foot buffer with plantings limited to the height of three (3) or four (4) feet and pending satisfactory review from the Village engineer. Laux second. Motion carried unanimously.***
  
- e) Discussion and action to bring forward room tax ordinance for review and adoption - *Discussion: Laux stated that this issue had been previously tabled to request input from the Village Financial Advisor. Van Lieshout indicated that he had spoken to the Village Financial Advisor. The Financial Advisor had verbally stated that it may be possible to divert some revenue into the Community Development Authority. Miller stated that he would speak to Ms. Peters regarding whether or not they do both non-profit and profit promotion, whether or not there is a contractual obligation and how they will promote Sherwood. Van Lieshout will contact the High Cliff rental properties regarding the tax.*
  
- f) Discussion and action to issue a variance to Brian Breckheimer for a driveway approach closer than three feet to a property line at N7935 Ridgeview Court - *Discussion: Van Lieshout explained that the driveway ordinance requires that the driveway be at least three (3) feet from the property line. Breckheimer's lot is at the end of the cul de sac where it narrows. This is a driveway ordinance variance request and no hearings are required by law. The driveway ordinance specifically states that the Village Board gives the variance. **Barribeau moved to issue a variance to Brian Breckheimer for a driveway approach closer than three feet to a property line at N7935 Ridgeview Court. Laux second. Motion carried unanimously.***

- g) Discussion and action to approve the installation of buried copper cable in the right of way on Clifton Road - *Barribeau moved to approve the installation of buried copper cable in the right of way on Clifton Road. Kaas second. Motion carried unanimously.***

10) Presentation of correspondence, resolutions, and related matters - *Discussion: Van Lieshout, expanding on letters of correspondence received from Dick Lee, Sunset Lake Ct, regarding the Golf Course Reconstruction Project and the Sunset Lake ponds, stated that he and Gary Rosenbeck, McMahon Associates, will schedule a meeting with the residents of Sunset Lake Ct and the representatives of High Cliff Golf Course to discuss the issues. Van Lieshout explained, in reference to correspondence received, that an informational meeting will be scheduled, on a non-meeting evening, for the property owners within the Golf Course Rd. Reconstruction Project area. Responding to inquiry from Trustee Barribeau, Van Lieshout stated that a Hearing will be scheduled to take testimony at the time of Special Assessment. The scheduled Hearing will be in reference to the Special Assessment, not the project. Trustee Kaas emphasized that the informational meeting for the property owners within the reconstruction project area must address the pros and cons directly of the two different designs. Kaas continued stating that the informational meeting should support the fact that the Urban Section is the best design to resolve the greatest number of issues within the reconstruction project area.*

Other Matters:

- *Laux requested draft Warranty Agreements with RBH and Mustang Acres, Inc, per May 24, 2004 minutes.*
- *Laux requested inventory of signs. Van Lieshout will delegate project.*
- *Laux requested summary comparison with neighboring municipalities for implementation regarding speed trailers, grant or donations. Miller stated that his daughter had recently seen a speed trailer with local business advertisements. Miller will research further.*
- *Jack requested outcome regarding brick enclosed mailbox located on State Park Road. Van Lieshout explained that he is researching for a law on the Village records that states the structure must be taken down. The resident has been informed that the structure is in the Village right-of-way. The resident stated that he does understand the concern, but he requested to know which Village law will enforce the removal. Van Lieshout would like to apply the nuisance ordinance to this situation. Van Lieshout would like to bring forth an ordinance to deal with landscaping and trees in the street right-of-way.*
- *Jack asked the Coordinator whether or not he will carry a cell phone. She would like to see greater accessibility at all times. Miller stated that the Village office is very busy with calls and ongoing business and he feels that the Coordinator should be allowed a certain amount of privacy. Van Lieshout said that he always responds to emergency calls as immediately as possible and prioritizes responses to non-emergency contacts.*

11) Adjournment - *Barribeau moved to adjourn at 9:01 p.m. Kaas second. Motion carried unanimously.*

Respectfully submitted by Kathy Mader, Finance Clerk

## Village Board Meeting Minutes

August 23, 2004

- 1) Call to Order and Roll Call - *President Miller called the meeting to order at 6:37 p.m.*  
*Roll Call:*

***Present***

*Joe Beach  
Barb Jack  
Joyce Laux  
Roger Kaas  
David Miller  
Carl Thomson*

***Absent***

*Bill Barribeau (excused)*

***Others Present***

*Josh Van Lieshout, Coordinator  
Kathy Mader, Finance Clerk*

- 2) Pledge of Allegiance
- 3) Approval of the Agenda - ***Laux moved to approve the August 23, 2004 agenda. Miller second. Motion carried unanimously.***
- 4) Approval of Minutes - ***Kaas moved to approve the August 9, 2004 minutes. Laux second. Motion carried. Beach abstained.***
- 5) Registered citizen comments on agenda items
- *Brian Nettekoven, W4255 Schaefer Road, Menasha, Item 8)b)ii*
  - *Joe Nemecek, 1992 Susan, Neenah, Item 9)c*
  - *Dan Stein, W5142 Park Drive, Sherwood, Item 9)b*
  - *Howard Helker, N7853 Rocksbury Ct, Sherwood, Item 9)f*
  - *Joan Petrie, N7986 Stommel Rd, Sherwood, Item 9)i*
  - *Troy Schneider, Twohig & Rietbrock, S.C., Item 9)i (representative for Mrs. Petrie)*
  - *Tim Stevenson, N7916 Pigeon Rd, Sherwood, Item 10*
- 6) Consent Agenda - ***Thomson moved to approve Temporary Class "B" Retail License to High Cliff Ridge Riders and Operator's License for Todd M. Dalke. Laux second. Motion carried unanimously.***
- a) Temporary Class "B" Retail License to High Cliff Ridge Riders
- b) Operator's License: Todd M. Dalke
- 7) Report of Utility Commission - *Discussion: Thomson asked Van Lieshout to explain Information Item 1)h. Van Lieshout explained that Information Item 1)h, an action item for engineering services for (STH 114) water main extension, is postponed until such time that the neighbors are notified and have expressed their interest or lack of interest in the proposed project. Van Lieshout stated that the Utility Commission has the ability to contract for services and issue contracts for which they have available cash to pay for. If the Utility Commission had to borrow monies, the contract would have to come to the Village Board for approval. In all cases, the Village President is a signature for the contract.*

- 8) Report of Village Officers

Village Board Minutes

August 23, 2004

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a) President - None

b) Clerk/Treasurer

i) Review disbursement reports

ii) Consideration and action regarding authorizing a Reserve "Class B" Alcohol Beverage License - *Discussion: Referring to information provided in the August 23, 2004 meeting packet, Van Lieshout explained that six (6) "regular" licenses were issued by the municipal authority on December 1, 1997 and are still currently issued. The Village Board has the ability to create one (1) Reserve "Class B" intoxicating liquor license for every five hundred (500) increase in population over the one thousand one hundred eighteen (1,118) population estimated by the Department of Administration on December 1, 1997.*

*Van Lieshout expressed that by creating a Reserve "Class B" Alcohol Beverage License it does not mean that a license is being issued. The applicant is responsible for the \$10,000 fee for the Reserve "Class B" intoxicating liquor license issuance. According to the law, if the Reserve "Class B" liquor license is created by the Village Board, the board has the discretion to hold the Reserve license or issue the license.*

*Van Lieshout stated that Mr. Nettekoven is expected to apply for a liquor license within the next two months. Laux maintained that issues still exist that have to be resolved before a Reserve "Class B" Alcohol Beverage License will be issued. Van Lieshout stated that he had spoken to Mr. Nettekoven today (8/23/04) and was assured by Mr. Nettekoven that he had secured right of way from Tony Mueller, owner of TJ Foods, to service his property, which meet the Village requirement for width, sixty-six(66) feet. Van Lieshout explained that Mr. Nettekoven still has to secure utility access for sewer and water, install a sewer main extension, and secure access to the Village water main to his lot.*

*In response to Miller, Van Lieshout explained that the Village Board has the option to take action this evening to create a Reserve "Class B" liquor license or wait to create the license at such time that Mr. Nettekoven's plans for the building are further along, a lot has been created, and the Plan Commission has approved the building site operation plan. If the board decides to wait to create the Reserve "Class B" liquor license for Mr. Nettekoven to complete the conditions, at such time and before ground is broken, the creation and issuance of the Reserve "Class B" liquor license can be sequentially approved.*

*Kaas questioned whether or not the license would remain "Reserve" after being issued. Van Lieshout will refer that question to the Village Clerk/Treasurer for answer.*

*Thomson questioned whether or not Mr. Nettekoven's building design plans include materials which will conform to the Village comprehensive plan. Van Lieshout replied that the 2000 Land Use Plan does detail commercial development design*

*guidelines. Van Lieshout explained that the Plan Commission approves the plans and aesthetics.*

*Beach expressed his concern regarding the location of Mr. Nettekoven's proposed building site and its proximity to the land the Village has deemed as a future school site. Miller stated that he and Van Lieshout will meet with Kaukauna School representatives on Tuesday, September 7<sup>th</sup>, at 8:30 a.m. to discuss any intentions the school district may or may not have for building a school at the designated site. Kaas suggested that the item be tabled until the Plan Commission approves the land use, the site plan, and the building plan and are able to incorporate the school situation into their decision.*

***Kaas moved to table the action until such time that the Plan Commission approves the land use plan. Thomson second. Motion carried unanimously.***

*Further Discussion: Beach requested that information from the meeting between Miller, Van Lieshout and the Kaukauna School District Superintendent and Business Administrator be presented to the Village Board before it goes to the Plan Commission.*

9) Village Coordinator

a) Complaints and Compliments

***b) Consideration and action regarding an amendment to sections Sections 4-1(D)2 and 7-4 allowing accessory structures other than a garage to exceed 120 square feet and clarifying major and minor accessory structures - Discussion: Trustees requested Van Lieshout to define, for the amendment, Major Accessory Structures as: structures that are attached or detached such as garages, car ports, and buildings incidental to the principal permitted use greater than one hundred twenty (120) square feet in area. Laux moved to approve an amendment to sections 4-1(D)2 and 7-4 with the amendments that Van Lieshout will add for definition of Major Accessory Structures. Kaas second. Motion carried unanimously.***

*c) Consideration and action regarding Ordinance 04-86 annexing territory to the Village of Sherwood, Wisconsin - Discussion: Nemecek explained that this will be considered a "high-end" subdivision; the homes will be between two thousand (2,000) and twenty five hundred (2,500) square feet, and have brick or stone exterior.*

*Miller reiterated to Nemecek that, as discussed at prior meetings, the Village sewer and water utility has no plans in the foreseeable future for expansion to his proposed development. Beach stated that the Village should require a collector street of the County M design, north of the railroad tracks, to connect County Road M and Hwy 114, so the traffic from the proposed subdivision does not have to come through the Village.*

*Van Lieshout stated that there should be a developer's agreement, conveying the developer's responsibility to pay five years in taxes to the Village, reimbursable to the Town of Harrison, per changes in annexation statutes.*

*Responding to Miller, Van Lieshout replied that the Plan Commission approved the annexation of the property, zoned as agriculture.*

*Kaas questioned the validity of the petition. The petition, as presented, is not listed under the current LLC name. Nemecek stated that he will resubmit the petition with the current LLC name listed as requestor for the September 13, 2004 meeting. **Miller moved to table the item until the September 13, 2004 meeting. Thomson second. Motion carried unanimously.***

- d) Consideration and action regarding the 2004-2005 Sherwood Dance Program - **Miller moved to approve the continuation of the Sherwood Dance Program for 2004-2005. Thomson second. Motion carried unanimously.***
- e) Discussion and action regarding Certificate for Payment Number 1 in amount of \$62,741.40 for partial work completed for the 2004 Asphalt Paving Program - **Thomson moved to approve \$62,741.40 payment to MCC for work completed through July 31, 2004. Kaas second. Motion carried unanimously.***
- f) Consideration and action regarding a ditch enclosure request from Howard Helker, N7853 Rocksbury Court - **Miller moved to approve the ditch enclosure request from Howard Helker, N7853 Rocksbury Court. Laux second. Motion carried unanimously.** Discussion: Beach expressed that maintenance is the property owner's responsibility and the Board concurred.*
- g) Consideration and action regarding a ditch enclosure request from Ken and Jennifer Dushack, N8045 Lake Breeze Drive - Discussion: Thomson stated that he had assessed this ditch and agrees that they should have a ditch enclosure. Beach questioned whether or not a new owner, if the property were sold, would be aware of the conditions of approval suggested by the Village engineer. Miller suggested that a registered letter be sent to the property owners that have a ditch enclosure, indicating the approval requirements and their responsibility to disclose the information to any future buyers. Beach suggested a ditch enclosure application form and establishment of an application fee by the Village Board. Van Lieshout was instructed to send a registered letter to property owners with ditch enclosures. **Laux moved to approve a ditch enclosure request from Ken & Jennifer Dushack, N8045 Lake Breeze Drive. Miller second. Motion carried unanimously.***
- h) Consideration and action regarding Resolution 2004-19, Authorizing Participation in the Recycling Efficiency Education Program - **Thomson moved to approve Resolution 2004-19, Authorizing Participation in the Recycling Efficiency Education Program. Miller second. Motion carried unanimously.***
- i) Discussion regarding Mustang Acres, Inc. Warranty Agreement - Trustees requested rewording:*

- *Paragraph 5, line 3: irrevocable letter of credit must have a life of five years beginning "when the first layer of asphalt is paved" rather than "October 1, 2004."*
  - *Paragraph 7: "fifty percent occupancy and minimum amount of time in years that the street will remain as gravel," as recommended by the Village engineer rather than "eighty percent" of the lots built upon in Mustang Acres II. Van Lieshout will speak to the Village engineer regarding the minimum percentage and time. Item will be brought back for discussion at the September 13, 2004 meeting.*
- j) Discussions regarding RBH, LLP Warranty Agreement - trustees request that the same wording be added and or changed to the RBH, LLP Warranty Agreement as added and or changed in the Mustang Acres, Inc. Warranty Agreement.*
- 10) Presentation of correspondence, resolutions, and related matters - Stevenson inquired if the Village Board is still considering the purchase of a speed indicator on Pigeon Road. Miller stated that the Village is considering the suggestion to approach local businesses for donations.*
- 11) Adjournment - **Beach moved to adjourn at 8:56 p.m. Thomson second. Motion carried unanimously.***

Respectfully submitted by Kathy Mader, Finance Clerk

## Village Board Meeting Minutes September 13, 2004

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

**Present**

Bill Barribeau  
Joe Beach  
Barb Jack  
Roger Kaas  
Joyce Laux  
David Miller  
Carl Thomson

**Others Present**

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 unanimously.*  
4) Approval of Minutes – *Barribeau moved to approve minutes of July 26, 2004. Thomson second. Motion carried. Beach abstained.*

*Laux moved to approve minutes of August 23, 2004. Kaas seconded. Beach noted the following revisions:*

*Page 3, Item 9) c) paragraph 2. Beach stated that the Village ~~will~~ should require a collector street of the County M design, north of the railroad tracks, to connect County Road M and Hwy 114, so the traffic from the proposed subdivision does not have to come through the Village.*

*Page 4, Item 9) f). Beach expressed that maintenance is the property owner's responsibility and the Board concurred.*

*Page 4, Item 9) g). Beach suggested a fee ditch enclosure application form and establishment of an application fee by the Village Board.*

*Motion to approve carried with revisions.*

- 5) Registered citizen comments on agenda items
- Brian & Molly Nettekoven, W4255 Schaefer Rd., Menasha, re. agenda item 8) c) ii).
  - Joe Nemecek, Nemecek & Associates, Inc., re. 9) b).
  - Henry Feider, JSK Development Corp., re. 9) b).
  - David Petrie, Developer Mustang Acres II, re. 9) c).
- 6) Consent Agenda – No Business
- 7) Report of Plan Commission
- 1) Action Issues – *Barribeau moved to approve Plan Commission Report action items b, c, and d and divide action item a for separate consideration. Beach second. Motion carried unanimously.*

a) Consideration and action to approve a certified survey map creating 2 lots in the southeast quarter of the northeast quarter, section 30, town 20 north, range 19 east – *Approved a certified survey map by Anthony J. Mueller creating 2 lots in the southeast quarter of the northeast quarter, section 30, town 20 north, range 19 east conditioned on agreement by the property owners to special assessment for future road improvements.*

- Barribeau commented that the Village should talk to Best Advantage Credit Union regarding possible future special assessment for road improvement.
- Beach stated that approval of the CSM should be conditioned on making the Credit Union aware of assessability for road improvements.
- Miller stated the Coordinator should double check with Tony Mueller and Best Advantage to make sure they have an understanding of possible future special assessments.
- Beach reiterated that the Village should make sure abutting property owners are aware of future special assessments

***Kaas moved to approve Plan Commission Report item 1) a) conditioned on written notification to abutting property owners regarding possible future special assessments for improvement to the right-of-way and receipt of a favorable response to notification. Miller second. Motion carried unanimously.***

b) Consideration and action to approve a certified survey map creating a one lot CSM combining part of the SW 1/4 of the NW 1/4 and Lot 115 of High Cliff Recreation Village Plat No. 2 – *Approved a certified survey map by Grayson B. and Carolyn M. Wood creating a one lot CSM combining part of the SW 1/4 of the NW 1/4 and Lot 115 of High Cliff Recreation Village Plat No. 2.*

c) Consideration and action to withhold objection to a CSM in the NE1/4 of the NW 1/4 Section 12, Town 19 North, Range 18 East, Town of Harrison – *Approved without objection a CSM 3 lot division of property in the NE1/4 of the NW 1/4 Section 12, Town 19 North, Range 18 East, Town of Harrison brought by Leon Vanevenhoven.*

d) Consideration and action to approve a CSM dividing Lot 4 Nature Haven Estates into a two lot zero lot line duplex – *Approved a CSM by K & S Builders, Inc. dividing Lot 4 Nature Haven Estates into a two lot zero lot line duplex.*

## 2) Information Only

a) Discussion regarding development of condominiums adjacent to Sherwood Forest Country Club – *Reviewed concept of six single unit one-floor town homes facing Military Road with rear facing walk out basements. Commissioners need more information and in depth detail before further consideration. The following concerns were noted:*

- *Obscuring view of the golf course along the highway*
- *High grade materials and design elements would be desirable*
- *Practicality/salability of one car garage design*
- *Possible multi-access restriction to county highway*

- b) Discussion on the vacation of Margaret Street – *It was the consensus of the Commission that vacating Margaret Street was not in the best interest of future Village planning considerations.*
- c) Discussion regarding Calumet County Smart Growth Planning – *The Commissioner requested that Village Smart Growth Representative Hennlich continue to bring planning meeting information to their attention but noted that all Smart Growth meeting minutes and information is available at the Calumet County website [www.co.calumet.wi.us](http://www.co.calumet.wi.us).*

8) Report of Village Officers

a) President

- i) Discussion on meeting with KASD representatives – Miller reported regarding his meeting with John Forester, President of the Kaukauna School District Board of Education, and Mark Lindem, School District Finance Manager. The School District remains interested in locating a future school in the Village of Sherwood, although its needs may be best served by selecting a site other than the Castle Drive site reserved by the Village for the purpose. The district is waiting for the results of a study of school district demographics before it will change school boundaries within the district.

The district does not envision a problem with siting a school in the vicinity of an establishment that serves alcohol beverages, such as a bar and grill. As long as the property is constructed of quality materials, is appropriately landscaped to provide a screen buffer, and is well maintained the school district does not foresee a difficulty. The district has a precedent insofar as a currently operating school is proximate to such an establishment.

- ii) Receipt of Calumet County Bank zoning permit application – Van Lieshout reported that Calumet County Bank has recently applied for a zoning permit at the Veterans Avenue bank site which it has purchased. The Board stated that it would like to meet the bank’s manager at a future meeting.

b) Trustee Barribeau

- i) Discussion regarding shooting restrictions near Harrison Boat Landing – Following discussion, the Coordinator was instructed to request counsel to draft an ordinance or ordinance amendment restricting off shore shooting to not less than 1,000 feet from shoreline and 1,500 feet from a building.

c) Clerk/Treasurer

- i) Review disbursement reports – Reviewed.
- ii) Consideration and action regarding authorizing a Reserve “Class B” Alcohol Beverage License – Discussion was initiated by Barribeau regarding the permissibility of taking an item from the table for consideration and action in the absence of an agenda item expressly noting the action of taking the matter from the

table. Beach and Laux noted that the minutes of the August 23, 2004 state that consideration of the same matter was tabled “until such time that the Plan Commission approves the land use plan.”

***Kaas made motion to take from the table consideration and action regarding authorizing a Reserve “Class B” Alcohol Beverage License. Miller second. In a roll call vote, Kaas and Miller voted in favor of the motion. Barribeau, Beach, Jack, Laux, Thomson voted against. Motion failed.***

***iii) Consideration and action to approve Halloween Trick or Treat Hours from Noon to 2:00 p.m. Saturday October 30, 2004 – Barribeau moved to approve Halloween Trick or Treat Hours from noon to 2:00 p.m. Saturday October 30, 2004. Thomson second. Motion carried unanimously.***

9) Village Coordinator

a) Complaints and Compliments – Reviewed.

***b) Consideration and action regarding Ordinance 04-86 annexing territory to the Village of Sherwood, Wisconsin – Joe Nemecek, a developer representing the interests of Henry and Denise Feider and JSK Development Corp, stated that a revised petition for direct annexation, signed by the owners and electors of described property, was submitted to the Clerk on September 8, 2004. He reported that interest in the proposed development is strong and asked that the annexation be approved so that aspects of pre development can proceed. Barribeau moved and Laux seconded approval of Ordinance 04-86 annexing territory to the Village of Sherwood on the following conditions:***

- planned use and zoning of the property will remain agricultural***
- developer/owners will enter an agreement to remit to Village of Sherwood an amount equal to the total 2004 real property taxes to be paid annually to Town of Harrison for five years per annexation statutes in addition to Village of Sherwood real estate taxes.***

***On a call of roll, Barribeau, Kaas, Laux, Miller, Thomson voted in favor. Beach and Jack voted against. Motion carried.***

***c) Consideration and action to approve a Warranty Agreement with Mustang Acres, Inc. – Discussion: Dave Petrie, Mustang Acres, Inc., was present stating that he hoped the agreement warranting Mustang Acre II roadways can be resolved. Van Lieshout reported that Petrie’s attorney has reviewed the agreement and found its terms acceptable. The four-year warranty period will commence upon completion of the first course of asphalt paving. An irrevocable letter of credit in the amount of \$30,000.00 must be supplied by the developer at the time the warranty period begins to insure adequate funding for repair of warranted improvements. Miller moved to approve the terms of this Warranty Agreement with Mustang Acres, Inc. Thomson second. Motion carried unanimously.*** Responding to Petrie, Van Lieshout suggested that he schedule a walk-through inspection of subdivision improvements as soon as punch list items are completed.

***d) Consideration and action to approve an agreement for services with Virchow/Krause and Company for GASB 34 implementation services – Beach moved to approve an agreement for services with Virchow, Krause and Company for GASB 34***



**implementation services at a cost ranging from \$9,500 to \$16,550. Barribeau second. Motion carried unanimously.**

- e) Consideration and action to approve a proposal from Associated Appraisal Consultants, Inc. for revaluation services in year 2005 in the amount of \$49,300 – Maxymek reported that \$48,600.00 of fund balance is has been designated over the past three years for the purpose of funding revaluation services leaving \$700.00 to be levied in the 2005 budget year. **Miller moved to approve the proposal for 2005 revaluation services submitted by Associated Appraisal Consultants at a cost of \$49,300.00. Laux second. Motion carried with Beach voting against.**
- f) Consideration and action to approve a proposal from Jannette Excavating for replacement of a storm sewer in the amount of \$9,182.00 – Responding to questioning from Kaas, Van Lieshout reported failure of a mini-storm sewer in Lakeshore Estates III which is causing continuing washout to right-of-way and abutting property of two neighboring properties. Repeated repairs over the past two years costing a total of \$4,000-5,000 have not brought resolution. He recommended replacement of the catch basin and piping with 24” PVC pipe. The submitted proposal excludes re-seeding and landscaping. **Barribeau moved to approve the proposal submitted by Jannette Excavating for Option #1 using 24”PVC pipe in the amount of \$9,182.00. Miller second. Motion carried unanimously.**

10) Presentation of correspondence, resolutions, and related matters – Noted:

- Department of Natural Resources notified that Village of Sherwood will be recipient of an Urban Planning Grant for Storm Water Planning.
- Department of Revenue notification of increase in equalized value from \$2,463,400 in January, 1992 to \$74,518,100 in January, 2004.
- Copy of correspondence from Associated Wealth Management to J&E Construction Company requesting the return of \$9,600 paid in error out of escrowed Village funds.
- Van Lieshout reported that a non-shearable mailbox enclosure was removed by Robert Muter, N7815 State Park Road per request of the Coordinator.
- Calumet County Planning Department requested letter supporting the need for funding to hire a county economic development professional.

11) Adjournment – **Beach moved to adjourn at 8:21 p.m. Kaas second. Motion carried unanimously.**

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

## Village Board Meeting Minutes

September 27, 2004

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

<b>Present</b>	<b>Absent</b>
Joe Beach	Bill Barribeau - excused
Barb Jack	<b>Others Present</b>
Roger Kaas	Josh Van Lieshout, Coordinator
Joyce Laux	Ellen Maxymek, Clerk
David Miller	
Carl Thomson	
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Thomson moved to approve the agenda. Kaas second. Motion carried unanimously.***
  
- 4) Approval of Minutes – Postponed to next meeting.
  
- 5) Registered citizen comments on agenda items
  - Howard Wahlfeld, N7986 Carriage Court, re agenda item 9) f)
  - Brian & Molly Nettekoven, W4255 Schaefer Road, Menasha, re agenda item 8) b) ii-iii
  - Mark Tyczkowski, 4216 N. Wedgewood, Appleton, re agenda item 8) b) ii-iii
  
- 6) Consent Agenda
  - a) Operator’s license application by Cherie Clausen – ***Thomson moved to withhold approval until the applicant appears before the Board. Jack second. Motion carried unanimously.***
  
- 7) Report of Utility Commission
  - 1) **ACTION ITEMS – *Laux moved to approve action items a), b), and c). Miller second. Motion carried unanimously.***
    - a) Commissioners approved a proposal from Energy Control and Design for replacement of the existing heating and cooling air handler in the amount of \$6,155 – Van Lieshout reported that the existing unit, installed in 1998, failed. The chemical environment likely caused the equipment to corrode.
  
    - b) Commissioners approved private wells permits for;
      - i) Sherwood Forest Golf Course, Gregg Holz, Agent, N580 Robinhood Dr
      - ii) High Cliff Restaurant, W5095 Golf Course Rd
      - iii) Dar & Les Stumpf, W422 Stumpf Ave
      - iv) Dar & Les Stumpf, N465 Lorraine St
  
    - c) Commissioners took action to award the Waste Activated Sludge hauling contract to Van's Septic for \$#0.0385 per gallon.
  
  - 2) **DISCUSSION ITEMS**
    - a) Village Engineer, Gary Rosenbeck, explained that THM levels continue to be addressed with the water quality improvement pilots. Testing will continue and Rosenbeck stated

that he will be discussing the levels with university personnel. Rosenbeck suggested that a possible way to address the levels would be for the Village to install a more efficient stripping tower.

- b) Rosenbeck prepared a Water Pressure Study in Low Pressure Zone on Timberline Drive and Escarpment Terrace for the Utility Commission. Rosenbeck concluded that the pressures are within the operating standards set forth by the Wisconsin Department of Natural Resources and PSC Administrative Codes, therefore no other solution should be required.
  - c) Rosenbeck stated that by next month sampling results will be received. At that time, the WWTP Permit re-issuance will be submitted to the state.
  - d) Van Lieshout explained that the Village had received a Notice of Violation/Notice of Claim from the DNR for a bypass at Lift Station No. 3 on May 23, 2004. The Notice requests a response. Van Lieshout expressed that many regions of Wisconsin experienced an unusually heavy spring and summer precipitation season. As a result of the heavy precipitation, many communities, including Milwaukee, are receiving these notices. Van Lieshout will send the Village reply to the DNR by September 21, 2004 as requested.
  - e) The Sherwood Sewer & Water Utility has received notification of approval from the PSC to switch from a monthly billing cycle to a quarterly billing cycle as of October 2004. One third of the Village utility meters will be read each month of each quarter to facilitate a revolving 3-month billing cycle.
- 8) Report of Village Officers
- a) President – No report.
  - b) Clerk/Treasurer
    - i) Review disbursement reports – Reports reviewed.
    - ii) Consideration and action to remove from the table the authorizing of a Reserve "Class B" Alcohol Beverage License (Tabled August 23, 2004) – **Miller moved to take the matter from the table. Laux second. Motion carried unanimously.**
    - iii) Consideration and action authorizing a Reserve "Class B" Alcohol Beverage License – Discussion initiated by Beach regarding whether a condition for approval of a CSM dividing property owned by Anthony Mueller in the southeast quarter of the northeast quarter, section 30, town 20 north, range 19 east was met. **Miller moved to authorize a reserve "Class B" alcohol beverage license. Thomson second. In a call of the roll, Kaas, Laux, Miller, Thomson voted in favor. Beach and Jack voted against. Motion carried.**
    - iv) Consideration and action to approve Resolution 2004-21 Establishing Ward 7 as provided in Section 5.15 of the Wisconsin Statutes – Kaas questioned the need to establish differentiated election wards in a small municipality such as the Village. Maxymek responded that according to Wisconsin statute the governing body of a

county is responsible for division of its supervisory districts following a decennial federal census. Between years of reapportionment the municipality must create a new ward whenever annexation of territory dictates the need. In the situation at hand, Maxymek continued, newly annexed territory in Calumet County Supervisory District 9 is contiguous only to Village territory in Supervisory District 10. Thus, creation of a new ward is mandated. Presumptively these wards will be reapportioned by the county following the next federal census. ***Laux moved to approve Resolution 2004-21 Establishing Ward 7 per Section 5.15 of Wisconsin Statutes. Kaas second. Motion carried unanimously.***

9) Village Coordinator

a) Complaints and Compliments

- A complaint was noted from a resident of Nicklaus Court who reported a large volume of traffic and high speed on the cul-de-sac street. The complainant believes traffic enters the street thinking it is a thru street. Van Lieshout reported ordering the posting of a “No Outlet” sign to divert traffic.
- A State Park Road resident complained that contractors are obstructing traffic by parking vehicles and equipment on both sides of the road.

b) Consideration and action to approve Resolution 04-20 a Warranty Agreement with Mustang Acres, Inc. – Van Lieshout reported that the presentation of the warranty agreement as a resolution is meant to remove any ambiguity in prior Board action to approve the terms of the agreement. ***Kaas moved to approve Resolution 04-20, a Warranty Agreement with Mustang Acres, Inc. Thomson second. Motion carried unanimously.***

c) Consideration and action to approve Certificate for Payment Two in the amount of \$37,189.68 for 2004 Asphalt Paving Program – ***Thomson moved to approve Certificate No 2 in the amount of \$37,189.68 for 2004 Asphalt Paving Program. Kaas second. Motion carried unanimously.***

d) Consideration and action to approve renewal of Network Health Plan HMO1 for 2004-2005 – ***Miller moved to approve renewing the Network Health Plan HMO1 beginning November 1, 2004. Beach second. Motion carried unanimously.***

e) Consideration and action to approve an ordinance adopting 941.20(d) Wis. Stats. with amendments – Van Lieshout reported the opinion of counsel that municipalities may regulate offshore hunting to a greater distance from on-shore structures to protect public health and safety by adoption of an ordinance subject to approval by Department of Natural Resources. The Board requested a legal opinion regarding how to proceed.

f) Consideration and action to approve a request for a variance to Ordinance 55, regulating driveways, request to allow a u-shaped driveway – Howard Wahlfeld reported that two of three garage stalls were in accessible due to the location of a deep set storm water drain in the cul-de-sac fronting his property. Van Lieshout stated a driveway U was probably the only way to overcome the obstacle. ***Laux moved to approve a variance to Ordinance 55 to allow a u shaped driveway. Miller second. Motion carried unanimously.***

- g) Discussion regarding capital planning for an additional John Deere 1600 lawn mower – Following discussion the Board did not find sufficient cost to revenue potential to justify the necessary expenditure.
- h) Discussion regarding capital planning for a salt storage shed – Following discussion the Board preferred to await results of a pilot project to purchase and preload salt from the Calumet County storage shed in anticipation of a snow event. It is required that County personnel are present when salt product is loaded. It is likely that the personnel will be on-site at the storage shed during snow emergencies. In the event that it is necessary to call in County personnel, the Village will have to reimburse the County at overtime and call-in rates. No action to fund a Village salt storage shed was forthcoming.

10) Presentation of correspondence, resolutions, and related matters

- A September 29, 2004 meeting of Calumet County Advisory Committee on Smart Growth was noted.
- Correspondence from Waverly Sanitary District declining participation in a mutual assistance agreement to provide for emergency situations was reported.
- Laux confirmed that the proposed Sherwood Bar and Grill project will need to meet design and material standards as specified in the Official Land Use Plan.

11) Adjournment – ***Thomson moved to adjourn at 8:10 p.m. Kaas second. Motion carried unanimously.***

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

## Village Board Meeting Minutes October 11, 2004

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

<b>Present</b>	<b>Absent</b>
Joe Beach	Bill Barribeau, excused
Barb Jack	Roger Kaas, excused
Joyce Laux	<b>Others Present</b>
David Miller	Richard Carlson, Attorney
Carl Thomson	Jennifer Schlaaf, Engineer
	Josh Van Lieshout, Coordinator
	Ellen Maxymek, Clerk
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Thomson moved to approve the agenda. Jack second. Motion carried.*
  
- 4) Approval of Minutes
  - September 13, 2004 – *Thomson moved to approve minutes of September 13, 2004. Jack second.* Regarding item 7) 1) a) Beach recalled that the motion to approve a certified survey map creating two lots in the southeast quarter of the northeast quarter, section 30, town 20 north, range 19 east put forward by Anthony J. Mueller was conditioned on written notice to abutting property owners and favorable written response to notification regarding possible future special assessments for improvements in the right-of-way. Beach asked that the pertinent minutes be recorded verbatim and that a legal opinion regarding the statutory requirements for notification should be obtained. *Thomson withdrew motion to approve. Jack second. Motion withdrawn.*
  
  - September 27, 2004 – *Thomson moved to approve minutes of September 27, 2004. Miller second. Motion carried.*
  
- 5) Registered citizen comments on agenda items
  - Kevin Labarge, W4852 Bridle Rd., stated that although Bridle Road has backyard drainage problems, he doesn't believe that curb and gutter will resolve these issues. A petition circulated among Bridle Road residents was signed by 17 of 18 residents who desire to maintain the rural look of the street and who ask that curb and gutter be removed from the project design.
  
  - Michael Wood, N7830 N. Niagara Ct., stated that if Golf Course Road is widened with curb and gutter motorists will speed on the road. Therefore he is opposed to curb and gutter. He commented that creation of a cul-de-sac at the end of the road would end speeding on the through street.
  
  - Don Klingseisen, W4831 Bridle Rd., is opposed to urbanization and in favor of speed bumps and trail expansion.
  
  - David Clifton, W4948 Golf Course Rd., questioned procedure if Golf Course Road is not positioned as indicated on maps and has to be moved.

- Brian Muehl, W4849 Bridle Rd., stated that properties on Bridle Road have drainage problems and want Board to consider ditch clean-outs but is opposed to urbanization.
  - Tim Montour, N7798 Spurline Ct., stated that the Village Board will have to live with its decision. Any increase in width will bring increased speeds and therefore enforcement problems.
  - Tim Patterson, W4840 Blackcherry Ct., is opposed to urbanization.
  - Kathy Salo, W4865 Forest Ln., stated that in spring her property is surrounded by water which drains from back and side yard swales. Salo stated the only way to resolve the drainage problem is to construct storm sewers with urbanized curb and gutter.
  - Dave Erdman, W4860 Blackcherry Ct., is opposed to urbanization.
  - Ron Lemerond, N7856 Niagara Ct., stated that he and his neighbor solved yard drainage problems by digging a side swale.
  - Paul Grube, W4896 Golf Course Rd., stated he circulated a petition and presented it for the record. Seventy percent of property owners contacted were against urbanization, he said. Grube believes that flooding is a Village wide problem and repairs should be funded by levy not by special assessment.
  - Jim Welisek, W4923 Golf Course Rd., stated drainage is a community problem and he doesn't think he should be assessed for infrastructure modifications.
  - Joan Petrie, N7986 Stommel Rd., is opposed to curb and gutters on Stommel Rd. where property owners still farm.
  - Glenn Fischer, Forest Ln., states Village should get on with a full reconstruction and urbanization project and finally resolve drainage problems.
  - Mike Cook, N7770 Palisades Tr., stated concerns that a great deal of landscaping would have to be changed if road is urbanized.
- 6) Presentation from Mary Kohrell, Community Development Director-Calumet County UW-Extension-Sherwood Community Economic Indicators – Kohrell presented a sampling of key community economic indicators for Sherwood as follows:
- Educational Attainment – Nearly 85% of Sherwood population 25 years of age and over has completed at least a high school education. A bachelor's degree or higher has been attained by over 35% of the population in the same age group. These statistics well exceed other county, state, and national attainment.
  - Community Mobility – Measured in terms of householder moves Sherwood is more mobile in most measured increments than comparative communities in the area, state and nation with 34% moving between 1995 and 1998.

- Worker Flow – Charts measured the top 25 communities within the commuting radius whose residents work in Sherwood. Of 308 workers measured, 100 live and work in Sherwood, 35 in Town of Harrison, 20 in Appleton and work in Sherwood. Of 794 Sherwood residents measured, 120 work in Appleton, 101 in Sherwood, 96 in Grand Chute, 71 in Neenah, 62 in Town of Menasha, 46 in Kaukauna, 40 in City of Menasha, with fewer numbers working in other communities.

Kohrell indicated this and other demographics are available on a CD from UW Extension on the web at [http://www.uwex.edu/ces/cced/Indicators\\_Links.htm#education1](http://www.uwex.edu/ces/cced/Indicators_Links.htm#education1). UW Extension will prepare charts, tables, and other graphics upon request.

- 7) Discussion with possible action to reconsider the motion contained in item 10(b) of the April 26, 2004 Village Board Agenda, "Discussion and action to approve a contract for engineering services with McMahon Associates for 2004 Stormwater and Road Reconstruction Projects" regarding the reconstruction of Stommel Road, Golf Course Road, Forest Lane, Black Cherry Court, and Bridle Lane and whether to include the reconstruction of Palisades Trail, Palisades Circle, Sunset Lake Court, North Niagara Court, South Niagara Court, Spurline Court, and 14<sup>th</sup> Court in the Road Reconstruction Project – ***Laux motioned to reconsider the motion contained in item 10(b) of the April 26, 2004 Village Board Agenda. Thomson second. Motion carried.***

***Miller moved to revise contract with McMahon Associates to provide engineering services to develop storm sewer and ditch design on Stommel Road, Golf Course Road, Black Cherry Court, Bridle Lane, Palisades Trail, Palisades Circle, Sunset Lake Court, North Niagara Court, South Niagara Court, Spurline Court, and 14<sup>th</sup> Court and to design full reconstruction including storm sewer, curb and gutter on Forest Lane. Thomson second. Motion carried on a roll call vote with Beach, Jack, Laux, Miller, Thomson voting in favor and none voting against.***

- 8) Consideration and possible action to modify the adopted drainage plan for Forest Lane/Palisades Trail area per McMahon September 13, 2004 Report – No discussion or action.

- 9) Consideration and action to omit or expand trail on Golf Course Road – ***Thomson moved to table until a future meeting. Miller second. Tabled.***

- 10) Consent Agenda – ***Laux moved to approve the consent agenda. Jack second. Motion carried.***

- a) Operator's license applications
- i) Cherie Clausen
  - ii) Linda Eichinger

- 11) Report of Plan Commission

- 1) Action Items

- a) Consideration and action to approve the site, building and operational plan for Outpost Bar and Grill (fka Sherwood Bar and Grill) – ***Plan Commission recommended action to approve the site, building and operational plan for Outpost Bar and Grill (fka Sherwood Bar and Grill) with the following conditions:***



- i) *Planned brick wainscoting be replaced with ~~limestone~~ cultured fieldstone if available*
- ii) *One additional lighting fixture at the rear of the facility be added to the three noted on the plan.*

Responding to a question by Beach, Van Lieshout stated that due to uncertainty of future westward development it seems prudent to delay requiring the site developers to build a road until a sound street plan for future development is decided. ***Laux moved to approve action item a). Miller seconded. Motion carried with Beach and Jack opposed.***

2) For Information

- a) Discussion regarding Calumet County Smart Growth Planning – *Calumet County Smart Growth Advisory Committee progress was reviewed by Sherwood representative.*

- *The Coordinator was instructed to present a targeted planning budget of \$15,000 - \$25,000 to fund drafting specifications for multi-purpose functional development*

12) Report of Village Officers

- a) President – Miller reported he is soliciting interested persons for appointment to vacant seats on the Utility Commission, Park, Recreation and Urban Tree Board, and to the Board of Appeals.

- b) Clerk/Treasurer

- i) Review disbursement reports – Reports reviewed.

13) Village Coordinator

- a) Complaints and Compliments – Beverly Olson, W582 Clifton Road, complained about messy gravel in front of J & E Construction truck entrance and along side of road.

- b) Consideration and action to approve an ordinance adopting 941.20(d) Wis. Stats. with amendments – Attorney Carlson reported that several applicable statutes notably §29.038 (3) and 66.0107 provide for local regulation of hunting, fishing, or trapping only if the primary purpose of such regulation is to further public health or safety. §29.038 (4) provides authority to the Department of Natural Resources to review local regulation and, if it finds that it exceeds the authority granted to local government, may declare the regulation void. Opportunity for the government to request and hold informal and formal hearings on the matter must precede an order to void the regulation. Following discussion ***Thomson made a motion with Jack seconding to direct Attorney Carlson to draft an ordinance prohibiting discharge of firearms from Lake Winnebago within 500 feet of a dwelling or public place of assembly. Motion carried unanimously.***

- c) First Reading of Amendment 04-61, Clear Water Discharge Control Ordinance – After review Attorney Carlson suggested changes as follows: Section 1, para. 1, sentence 2; *The ~~intentional~~ removal of any sanitary manhole cover, sanitary lateral cleanout cover or sanitary sewer vent with the ~~intent to drain~~ purpose or effect of draining lands or any yard shall be prohibited by this section.*

*64) — Abatement of Nuisances...*

- d) Consideration and action to accept roadway and drainage improvements in the plat of Mustang Acres II – Van Lieshout reported that roadway and drainage improvements in the plat of Mustang Acres II are 98% completed. However there is a one foot discrepancy from the approved drainage plan. Additionally documentation of changed road grade due to addition of stone layer has not been provided to the Village Engineer. ***Miller moved to accept roadway and drainage improvements conditioned on submission of corrected road grade and drainage plan documentation and recommendation from Village Engineer to accept changes. Beach second. Motion carried.***
  
  - e) Consideration and action to approve Village of Sherwood Resolution 2004-22 Requesting State Mandate Waiver Relief for Tax Incremental Financing District Number One for Continuing Expenditures – ***Laux moved to table matter to Thursday, October 14, 2004 at 8:00 a.m. at which time a public hearing and special meeting to consider action to approve Village of Sherwood Resolution 2004-22 Requesting State Mandate Waiver Relief for Tax Incremental Financing District Number One for Continuing Expenditures will be convened. Miller seconded. Tabled.***
- 14) Presentation of correspondence, resolutions, and related matters
- 15) Adjournment – ***Thomson moved to adjourn at 9:50 p.m. Miller second. Motion carried.***

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

**Special Village Board Meeting Minutes**  
**October 14, 2004**

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 8:00 a.m. in the office plaza. Roll called:

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Joe Beach - excused
Barb Jack	<b>Others Present</b>
Roger Kaas	Josh Van Lieshout, Coordinator
Joyce Laux	Ellen Maxymek, Clerk
David Miller	
Carl Thomson	

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Thomson second. Motion carried.*
- 4) Public Hearing: Requesting Mandate Waiver in Connection with Tax Incremental District Number One, Village of Sherwood – After three calls for public comment and hearing none, Miller announced the hearing closed.
- 5) Consideration and action to approve Village of Sherwood Resolution 2004-22 Requesting State Mandate Waiver Relief for Tax Incremental Financing District Number One – Van Lieshout reported that in writing the statute which allows the reopening of TIF project period, the writer incorrectly noted statutory references. Since the legislature will not rectify the error until it comes back into session in February, our financial counsel has suggested that mandate relief should be sought. If granted, mandate relief will give some insurance that we can continue with TIF projects. *Barribeau moved to approve and adopt Resolution 2004-22 requesting State mandate relief for Tax Incremental Financing District Number One. Thomson second.*
- 6) Presentation of correspondence, resolutions, and related matters
- Maxymek reported that due to an extended family crisis, the dance program instructor is unable to teach the program in 2004-05. We are searching for an alternate instructor and if found the program will continue. Otherwise the families of registered students will be notified of program cancellation.
- 7) Adjournment – *Thomson moved to adjourn at 8:12 a.m. Barribeau second. Motion carried.*

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

## Village Board Meeting Minutes October 25, 2004

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

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Joe Beach, excused
Barb Jack	<b>Others Present</b>
Roger Kaas	Jennifer Schaaf, Village Engineer
Joyce Laux	Josh Van Lieshout, Coordinator
David Miller	Ellen Maxymek, Clerk
Carl Thomson	
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Thomson second. Motion carried.***
  
- 4) Registered citizen comments on agenda items
  - Molly & Brian Nettekoven, W4255 Schaefer Rd., Menasha re. 5) a) i) (a)
  
  - Kathy Salo, W4865 Forest Ln., re. 10) b)
  
  - Gary Mertens, on behalf of Louise Mertens, N594 Cty. M. ***Barribeau moved to give the floor to Mertens. Thomson second. Motion carried.*** Mertens stated that his mother’s house on Railroad Street, a private road, is landlocked and without an easement for access to the property. If Ken Kress (owner of the road) refuses to give formal access, Mertens stated, and Louise passes away he is “out of luck”. He wants the Village to intercede. He also wants a street sign with arrows directing emergency vehicles to his mother’s residence. Van Lieshout noted this is one of three areas in the Village that are problematic in terms of emergency signage. He will check to see if sign is ordered and will request permission to mount a sign on telephone pole. Regarding road access, Van Lieshout stated that he has searched court records and can find no evidence of an access easement. He advised Mertens to contact an attorney to secure access rights.
  
- 5) Consent Agenda
  - a) Alcohol Beverage License Application
    - i) Class B Beer and Reserve Class B Liquor  
***(1) The Outpost Bar and Grill, LLC, Molly Nettekoven, Agent – Laux moved to approve issuance of a Class B Beer and Reserve Class B Liquor License to Outpost Bar and Grill, LLC, Molly Nettekoven, Agent. Kaas seconded. Motion carried.***
  
- 6) Report of Utility Commission – ***Laux moved to approve action items a)-c) and accept the report of the Utility Commission.***
  - a) Discussion Items
    - i) Per October 13, 2004 correspondence, Gary Rosenbeck, Engineer, requested that discussion regarding treatment options at Well #5/#6 and water quality improvement pilots be postponed until the November meeting. The correspondence indicated that

since the September Utility Commission meeting, Rosenbeck became aware of a filtration process using a metallic media for hydrogen sulfide removal and had planned to operate a pilot plant for the process at Well #5 during the week of October 18<sup>th</sup> and October 25<sup>th</sup>.

Commissioners requested Van Lieshout to schedule a separate meeting to discuss the 2005 Budget. The meeting shall be scheduled after the November meeting at which Rosenbeck is expected to present his pilot results. Commissioners agreed to schedule the additional meeting for December 7, 2004 at 7:00 p.m. at the Village Office building. Commissioners suggested rate review is added to the agenda for the December 7, 2004 meeting.

- ii) Commissioners requested Van Lieshout to contact the home owners that will be affected by the water main relocation and valve addition at the corner of Palisades Trail and Sunset Lake Court. The project will be conducted within the Village right-of-way.
- iii) Jennifer Schaff, McMahon Associates, explained that, when exposed during excavation for manhole repair, four sets of laterals were shown to be connected directly into the manhole. Schaff further explained that by code the laterals shall be connected outside of the manhole. The additional cost to the contract will be charged as a time and material expense, estimated cost at \$500 to \$600 per lateral.

b) Action Items

- i) Commissioners moved to approve Change Order One, for the purpose of relocating a water main and adding valve near MH 133 at the corner of Palisades Trail and Sunset Lake Court.
- ii) Commissioners gave approval to relocate sanitary lateral connections associated with replaced manholes.
- iii) Commissioners moved to accept utility improvements servicing the plat of Mustang Acres II.

7) Report of Village Officers

a) President

b) Clerk/Treasurer

- i) Review disbursement reports – Reviewed
- ii) Review of Quarterly Financials – Reviewed.

8) Village Coordinator

a) Complaints and Compliments

- Dr. and Mrs. Michael Rieder, N7875 Edgewater Ct., object to the Board's attempt to enforce compliance with the Emergency Numbering Ordinance.

- b) Consideration and possible action to modify the adopted drainage plan for Forest Lane/Palisades Trail area per McMahon September 13, 2004 Report, extending storm sewer south on Palisades Trail – ***Miller moved to adopt a modified drainage plan to***

*construct a storm sewer on Forest Lane connecting to the Golf Course Road storm sewer and discharging to the Meadow Cliffe Pond; to construct a storm sewer system with inlets in a revised ditch grade section in the east ditch line of Palisades Trail, to intercept the runoff from the rear of Lot 117 and discharge to the pond located between Sunset Lake Court and Spring Hill Drive; and to construct an underground storm sewer system across High Cliff Golf Course fairways #1 and #9 to convey flow from the pond across State Park Road. Kaas second. Motion carried.*

- c) Consideration and action to omit or expand trail on Stommel Road – Engineer Schaaf explained that Golf Course cannot accommodate a behind the ditch trail. Discussion whether the Village should try to acquire property for this type trail on Stommel Road; develop an urbanized section with behind the curb trail in the right-of-way on the west side of Stommel; or leave the road without a trail. ***Barribeau moved to table until a revised trail map is available. Miller second. Motion carried.***
- d) Consideration and action to omit or expand trail on and Over Lake Winnebago within 500 feet of a Village Dwelling or Public Place of Assembly pursuant to public hearing and other proper notice – ***The first reading of the ordinance was approved on a motion by Barribeau, second by Thomson. Motion carried.***
- e) Review and discussion regarding permitted and conditional uses in the zoning districts – Van Lieshout reviewed the language of the Zoning Ordinance regarding zoning districts and asked for feedback in the event the Board or Plan Commission feels that changes are needed.
- f) Review of proposed Noodleini 9 Mile and 3 Mile Fun Run/Walk – It was the consensus of the Board that the promoters of the fun walk/run have not shown that the event will be of civic benefit and Van Lieshout was asked to notify the promoters of same.

9) Presentation of correspondence, resolutions, and related matters

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

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

## Village Board Meeting Minutes

November 8, 2004

- 1) Call to Order and Roll Call – The meeting was called to order by Vice President Laux at 6:31 p.m. Roll called:

<b>Present</b>	<b>Absent</b>
Bill Barribeau	Roger Kaas - excused
Joe Beach	David Miller - excused
Barb Jack	<b>Others Present</b>
Joyce Laux	Jennifer Schaaf, Village Engineer
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) Registered citizen comments on agenda items
  - Lori Nackers, Sheila Schabo, Bob Ellis representing M & I Bank agenda item 8)b)ii)
  - Brad Grant, Mike Resch, Deb Thiel, Calumet County Bank agenda item 8)b)ii)
  - Lawrence Hansen, Community Insurance Corporation, 8)b)iii)
  - Dave Van Elzen, Sherwood Lions Football, 9)c)
  - Gloria West, Midwest Sports Events, 9)b)
  
- 5) Consent Agenda
  - a) Approval of Cemetery Plot Sale and Deeds – *Barribeau moved to approve the cemetery deed and agreement for perpetual care. Laux second. Motion carried.*
  
  - b) Operator’s license applications – *Barribeau moved to approve the following license applications. Thomson second. Motion carried.*
    - i) Paul Sonnleitner
    - ii) Eric L. Grassl
  
- 6) Report of the Plan Commission – *Barribeau moved to approve action item a. , and accept the report of the Plan Commission. Laux second. Motion carried.*
  - 1) Action Item
    - a. Consideration and action to change the approved drainage plan for Mustang Acres II – Recommended approval of a revised drainage plan for Mustang Acres II as per advice of Village Engineer.
  
  - 2) For Information Only
    - a. Review of preliminary proposal for High Cliff Estates – Reviewed proposal for development of luxury condominium community conceptualized as nine, four unit building on property owned by High Cliff Estates and request for vacation of Meadowcliff Drive. Discussion consensus: Plan Commission would be receptive to submission of plat and vacation of roadway upon approval of all plat and drainage plans.

- 7) Report of the PRUT Board
  - 1) Action Items – ***Thomson moved to table. Jack second. Motion carried.***
    - a. Discussion and action to approve revisions to the Village Trail Map – Recommended amending Official Trails Map to map:
      - i. Behind the curb trail on Stommel Road linking trails between Miller Pond and Mustang Acres Pond.
      - ii. Trail surrounding possible future park area north of Lakeshore Estates East Plat
  - 2) For Information Only
    - a. Discussion and possible action to approve a concept plan for a concession stand at Wannick Park – Discussion relative to modifying pavilion to provide an enclosed section of open area for concession purposes. A portion of materials and labor would be contributed by SAYSO organization
    - b. Discussion and possible action regarding play equipment selection at Wannick Park – Discussed possible partnering of SAYSO and Optimist or other service club to purchase part of expandable play equipment module. PRUT members will research such partnership projects in other municipalities and will research manufacturers willing to plan an expandable project area of 200-300 sq. ft.
    - c. Discussion and possible action regarding location of replacement trees in Miller and Nuthatch Detention Basins – Coordinator reviewed successfully completed project
    - d. Discussion and possible action regarding prairie seed planting at Miller and Nuthatch Ponds – Coordinator reviewed possible future establishment of prairie areas
- 8) Report of Village Officers
  - a) President – No report
  - b) Clerk/Treasurer
    - i) Review of disbursement reports – Reports were reviewed.
    - ii) Presentation of banking proposals
      - (1) Calumet County Bank – Brad Grant, Mike Resch, Deb Thiel introduced Calumet County Bank, its history and annual report, stating that the Sherwood bank opening is scheduled for December 9, 2004. Beach questioned whether there are plans to offer bank services during evening hours until 7:00 p.m. as at the Brillion bank site. Grant stated that although lobby hours are scheduled until 5:00 p.m. Monday through Thursday and 6:00 p.m. on Friday those hours of operation may change for the convenience of customers.
      - (2) M & I Bank – Lori Nackers, Sheila Schabo, Bob Ellis represented M & I Bank. Nackers reported the community oriented nature of the bank, stating it has supported her recent fund raising efforts on behalf of the St John Sacred Heart School gymnasium building fund. Ellis spoke regarding trust department investment services while Schabo reviewed bank offerings such as on-line and fraud prevention services.



iii) Presentation of insurance provider proposals

(1) Community Insurance Corporation – Lawrence Hansen introduced a proposal from Community Insurance Corporation which was formed two years ago in response to a need for commercial insurance by Wisconsin cities, towns, villages and school districts. CIC, a subsidiary of Wisconsin County Mutual Insurance Corporation, has received an A.M. Best rating of B+ largely due to the strength of its parent company. Hansen pointed out that its safety and claims services are administered in house, unlike the League of Wisconsin Municipalities Mutual Insurance program. Also unlike its competitor, policy are not assessable, meaning that in the event of insurance company insolvency losses cannot be assessed to policy holders.

(2) League of Wisconsin Municipalities Mutual Insurance – No presentation

9) Village Coordinator

a) Complaints and Compliments – None

b) Review of proposed Noodleini 9 Mile and 3 Mile Fun Run/Walk – Gloria West stated that a small group of enthusiast will participate in this fun run/walk. She anticipates that no services will be needed and parking for no more than fifty cars can be easily accommodated at the Community Center and Recreation Center parking areas. Responding to questions posed by Thomson, West stated that the Noodleini Company is the underwriter of event related expenses but receives only goodwill in return for their support. She further said Midwest Sports Events is a non-profit company that whose mission is to provide preventive health opportunities to the community and which regularly makes contributions to the Liver Foundation. Additionally Sherwood is beneficiary of positive exposure as a result of the activity staged in this community. Van Lieshout stated that the zoning code allows issuance of a temporary zoning permit if such events provide a civic use of public property.

c) Review proposal from Sherwood Lions Football Inc. for the renovation of Legion Park Pavilion – Dave Van Elzen, representing the Sherwood Lions Football Organization, proposed a \$75,000 reconstruction of the Legion Park pavilion facility to provide for a press box and concession stand. He requested funding in the amount of \$35,000 from the Village with the balance to be committed by the football program. In addition Van Elzen requested \$15,000 in Village funding for replacing gravel in the parking area with grading of the area to be provided by his program. Van Elzen noted that the Lions Football Program would require exclusive use of the rebuilt facility during the three month football season. According to Van Elzen, persons wanting to use the facility during that time period would need to seek approval from the football organization.

d) Consideration and action to determine final location of Stommel Road trail – Discussion centered on a recommendation by the PRUT Board to construct an off-road trail on the west side of Stommel Road. In the opinion of the Board an urban section of road and trail similar in design to Pigeon Road. The urban section is conceptualized to begin north of the outlot owned by Paul Grube, to extend north, cross Stommel Road and connect with the Mustang Acres trail. In regard to continuation of the trail to the south and to the rear of Golf Course Road residential properties, extending to Pigeon Road, Van Lieshout was

instructed to contact potentially affected property owner to estimate cooperation with and support of the proposed trail.

- e) Review of 2005 Village of Sherwood Budget (All Funds) – The draft of the budget was reviewed and Van Lieshout was requested to return with detail in regard to capital outlay. A special meeting to more thoroughly review the budget was scheduled for Tuesday, November 16. Public hearing, final review and approval of the budget has been scheduled and published for November 22.
- f) Review letter from George Twohig, re RBH Development and response from Village – Correspondence reviewed.
- g) Review and approval of Energy Control and Design Proposal – ***Barribeau moved to approve a proposal to replace the existing four infra-red heaters in the maintenance garage with new units at a cost of \$8,400.00. Laux second. Motion carried.***
- h) Review Wind Energy Ordinances – Various sample ordinances were reviewed. Van Lieshout was asked to return a draft for further action.

10) Presentation of correspondence, resolutions, and related matters

11) Adjournment – ***Beach moved to adjourn at 10:19 p.m. Laux second. Motion carried.***

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

## Village Board Meeting Minutes November 22, 2004

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

<b>Present</b>	<b>Others Present</b>
Bill Barribeau	Josh Van Lieshout, Coordinator
Joe Beach	Ellen Maxymek, Clerk
Barb Jack	
Roger Kaas	
Joyce Laux	
David Miller	
Carl Thomson	
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Thomson second. Motion carried.*
  
- 4) Registered citizen comments on agenda items – None
  
- 5) PUBLIC HEARING: On the Proposed 2005 Budget of the Village of Sherwood. This hearing has been published and posted pursuant to Sec. 65.90 of the Wisconsin Statutes
  - Tom Jack, W4843 Escarpment Terrace, stated opposition to a request for funding made by Dave Van Elzen, Sherwood Lions Football Organization, to construct a press box and concession area at the Legion Park pavilion. Jack said that the project is unduly costly particularly in view of the limited use of the facility. Van Lieshout reported that the Board was not supportive of increasing the levy to the extent necessary to fund the project and therefore it was not included in the 2005 budget.
  
- 6) Discussion and action to adopt the 2005 Budget for the Village of Sherwood – *Barribeau moved to approve the 2005 budget as presented. Thomson second. In a roll call Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. Motion carried unanimously.*
  
- 7) Discussion and action to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 04-87 – *Barribeau moved to approve waiving the rule. Thomson second. Motion carried unanimously.*
  
- 8) Discussion and action to adopt Ordinance 04-87 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2005 Budget – *Barribeau moved to adopt Appropriation Ordinance 04-87. Laux second. In a roll call Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. Motion carried unanimously.*
  
- 9) PUBLIC HEARING: Proposed ordinance Prohibiting the Discharge of Firearms on and Over Lake Winnebago within 500 feet of a Village Dwelling or Public Place of Assembly

- Dick Schermerhorn, N7773 Windswept Ln., stated he is in favor of the proposed ordinance citing danger to children congregating at bus stops and due to noise of gunfire as early as 6:00 a.m. Schermerhorn added that he has observed hunters handling their firearms in a careless manner.

Following three calls for comment and hearing none additional, Miller announced the hearing closed.

10) Consideration and action to adopt ordinance 04-88, An Ordinance Prohibiting the Discharge of Firearms on and Over Lake Winnebago within 500 feet of a Village Dwelling or Public Place of Assembly – Van Lieshout noted that the ordinance if passed must be submitted to Department of Natural Resources for review and approval. ***Barribeau moved to approve Ordinance 04-88, An Ordinance Prohibiting the Discharge of Firearms on and over Lake Winnebago within 500 feet of a Village Dwelling or Public Place of Assembly. Kaas second. Motion carried unanimously.***

11) PUBLIC HEARING: Proposed ordinance Prohibiting the Discharge of Clear Waters to the Sanitary Sewer System – Following three calls for comment and hearing none, Miller announced the hearing closed.

12) Consideration and action to amend Ordinance 61, An Ordinance Prohibiting the Discharge of Clear Waters to the Sanitary Sewer System – ***Miller moved to amend and adopt Ordinance 61, An Ordinance Prohibiting the Discharge of Clear Waters to the Sanitary Sewer System. Kaas second.*** Kaas requested an addition to Section 1, second sentence; The removal ***or alteration*** of any sanitary manhole cover... and correction of the last Sections to ***#4*** and ***#5.*** ***Barribeau moved to amend. Thomson second. Motion carried. Main motion carried.***

13) Report of the Utility Commission

1) Action Items – ***Laux moved to approve action items a - d. Miller second. Motion carried.***

- a. Commissioners, with approval of the vouchers, approved Certificate for Payment 1 on Contract S0017-940553, 2004 Manhole Reconstruction Program to Jossart Brothers Construction Co., in the amount \$102, 755.20.
- b. Commissioners approved the Outpost Bar & Grill utility plan. Engineer Gary Rosenbeck was in attendance for the meeting and stated to the commissioners that he had no opposition to the plan.
- c. Commissioners tabled action regarding water quality improvement project. Coordinator Van Lieshout will discuss TIF availability with the Village financial advisor, Dave Wagner, regarding the options presented. Engineer Rosenbeck will contact the City of Appleton to discuss their position regarding the potential option of buying water from them to supply the Village.
- d. Commissioners, in unity, pledged their full support to the Village Board in their effort to submit the mandate relief waver to the Department of Revenue citing

several important capital projects that would significantly benefit the tax increment district, including, water supply, treatment, distribution and sanitary sewer collection, transmission, treatment improvements.

2) Discussion Items

- a. Commissioners addressed correspondence from Gary Hess, utility technician. Hess is requesting the addition of a third, full-time utility technician to the utility staff. Commissioners requested Van Lieshout to breakdown the daily duties for each of the current utility technicians and address how a “new” employee would fit into the daily routine - “justification of what works is not being completed.” Commissioners suggested addressing the possibility of an employee being hired to work for the public works and the utilities, or cost comparison of contracting out vs. employee driven, or hiring a manager-type to oversee the public works and the utilities. Commissioners concurred that the addition of a third utility technician can not be approved at this time.
- b. Commissioners requested Van Lieshout to create a revenue report. Van Lieshout explained that one reason that the revenues are lower than budgeted is due to a decline in building permit applications in 2004.

14) Report of Village Officers

- a) President – No report.
- b) Clerk/Treasurer
  - i) Review of disbursement reports – Reports reviewed.
  - ii) Consideration and action to approve banking and financial institution’ services – Beach stated he would like to see 7:00 p.m. closing hours one evening per week. **Miller moved to appoint Calumet County Bank the official repository of Village funds provided the bank can provide the same services as currently available through M & I Bank. Laux second. In a roll call Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. Motion carried unanimously.**
  - iii) Consideration and action to approve liability and workman’s compensation insurance carrier services – Maxymek was instructed to contact Community Insurance Company references. **Miller moved to table the matter until the next meeting. Thomson second. Motion carried.**

15) Village Coordinator

- a) Complaints and Compliments
- b) Consideration and action to pass Resolution 2004-23, Resolution of the Village Board of the Village of Sherwood Entering into a Development Agreement with RBH Development, LLC – **Barribeau moved to adopt Resolution 2004-23. Kaas second. Motion carried.**

- c) Review of draft development agreement for the plat of Lakeshore Estates East – The agreement was reviewed with comments noted. Van Lieshout will forward the document to the engineer and attorney for review and revision.

16) Presentation of correspondence, resolutions, and related matters

17) Adjournment – *Thomson moved to adjourn at 8:11 p.m. Beach second. Motion carried.*

Minutes prepared by Ellen Maxymek, Village Clerk.

## Village Board Meeting Minutes December 13, 2004

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

<b>Present</b> Bill Barribeau Joe Beach Barb Jack Roger Kaas Joyce Laux David Miller Carl Thomson	<b>Others Present</b> Jennifer Schaaf, Engineer Ellen Maxymek, Clerk
--	--
  
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Kaas second. Motion carried.*
  
- 4) Approval of Minutes
  - *Barribeau moved to approve the minutes of September 13, 2004. Kaas second. Motion carried.*
  
  - *After noting a needed correction to the numbering of Section 13), Miller moved to approve the minutes of October 11, 2004. Thomson second. Motion carried. Jack inquired about the status of gravel on Clifton Road in the vicinity of the J & E Construction site (Section 13) a).*
  
  - *Barribeau moved to approve the minutes of October 14, 2004. Laux second. Motion carried. Beach abstained.*
  
  - *Barribeau moved to approve the minutes of October 25, 2004. Laux requested that her comment (pg 2-3 Section 8) b) expressing concern that the modified drainage plan may cause the level of the pond between Sunset Lake Court and Spring Hill Drive to drop to an unacceptable level be noted in the minutes. Laux second. Motion carried. Beach abstained.*
  
  - *Barribeau moved to approve the minutes of November 16, 2004. Laux second. Motion carried.*
  
  - *Barribeau moved to approve the minutes of November 22, 2004. Thomson second. Kaas noted the incomplete recording of motion (Section 14) b) ii). Motion carried.*
  
- 5) Registered citizen comments on agenda items
  - John Hocks, N216 Queens Ct. regarding agenda item 7) b).
  - Andy Burkart, Burkart-Heisdorf Insurance Co., regarding agenda item 6) b) iii).
  - Dennis Tweedale, League of WI Municipalities Insurance Program, re. item 6) b) iii).
  - Carol Willick, Community Insurance Corporation, regarding agenda item 6) b) iii).

- 6) Report of Village Officers
  - a) President – No report.
  - b) Clerk/Treasurer
    - i) Reviews of disbursement reports – Reports were reviewed.
    - ii) Consideration and action to appoint election officials for the Years 2005-2006 – ***Barribeau moved to appoint the following election officials for the 2005-06 election cycle: Joan Bolle, Carol Christenson, Linda Foxgrover, Mary Ann Freund, Sharon Gilbertson, Rosemary Helker, Carol Kloepfel, Jean Reichwald, Hally Rosenbeck, Carol Seidel, Sandra Shimon, Carol Solberg, Mary Pat Thomson, Terry Troestler, Cheryl Warrens, Kate Zietlow. Laux second. Motion carried.***
    - iii) Consideration and action to approve liability and workman's compensation insurance carrier services (Tabled November 22, 2004) – Andy Burkart, Burkart-Heisdorf Insurance Co., Dennis Tweedale, League of WI Municipalities Insurance Program, and Carol Willick, Community Insurance Corporation, addressed the Board regarding the benefits of their respective insurance programs.  
  
***Laux motioned to remove the matter from the table. Miller second. Motion carried.***  
  
***Barribeau moved to accept the proposal of Community Insurance Corporation for liability and workman's compensation insurance services in 2005. Laux second.*** Responding to a question from Kaas, Maxymek stated that the dividend offered by Community Insurance is a flat ten percent of the workers compensation premium to be paid at the end of the policy term following a required audit of payroll. ***On roll call Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. Motion carried.***
    - iv) Consideration and action to approve a Resolution Designating Public Depository and Authorizing Withdrawal of Village Moneys – ***Laux moved to designate Calumet County Bank the public depository of the Village of Sherwood and to authorize withdrawal of Village funds. Miller seconded. On roll call Barribeau, Beach, Jack, Kaas, Laux, Miller, Thomson voted in favor. No votes against. Motion carried.***
    - v) Consideration and action to approve Resolution 2004-24, a Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property in the Village of Sherwood, Wisconsin Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes, As Amended – ***Barribeau moved to approve Resolution 2004-24. Laux second. Motion carried.***
- 7) Village Coordinator
  - a) Complaints and Compliments – Laux complimented Calumet County Highway Department for sweeping CTH M curb.
  - b) Review of 2004 Noodleini Nine Mile – John Hocks was present on behalf of the Calumet County Sheriff Department. He stated that the safety of the Village was imperiled as result of less than satisfactory implementation of the Midwest Sports fun run event which



took place on November 27. Two deputies were called upon to control the greater than anticipated number of participants and problems resulting from inadequate planning. Gloria West of Midwest Sports predicted that approximately 80 runners would participate. Nearly 400 registrants actually appeared for the activities and their vehicles were parked in the Harrison Fire Department lot, blocking access and egress of emergency equipment had the equipment been called out. Delays of the race start and use of both street lanes caused congestion and disruption of citizens as they attempted to drive to church services. In light of these and other problems, Hocks suggested it is appropriate that the Board considers regulating such future events by ordinance. Miller reported that the coordinator would check with counsel regarding whether the Board has authority to refuse use of Village roadways for such events in the future. Sample ordinances regulating special events were briefly reviewed. The matter was referred to the Village Attorney to draft a standardized regulating ordinance at the suggestion of Kaas, who also stated that proof of liability insurance and possible security bonding should be required of event organizers.

- c) Consideration and action to conditionally award contract S0017-930884 to Carl Bowers Construction for the construction of the Miller Pond Storm Sewer Interceptor – Engineer Schaaf advised the Board to delay awarding the contract until the project application has been approved by the DNR and until construction easements and properties have been acquired. ***Kaas moved to table. Thomson second. Tabled.***
  - d) Consideration and action to approve Certificate for Payment Number 3, 2004 Asphalt Paving Program in the amount of \$7,155.41 for work completed through November 30, 2004 – Laux questioned whether or not the paving program was completed according to the terms of the contract and if so why the certification was for work through November 30, 2004, after the contract deadline. ***Laux moved to table until her questioned was answered. Miller second. Tabled.***
  - e) Consideration and action to approve Change Order Number One, reducing the 2004 Asphalt Paving Contract amount by \$27,092.54 from \$134,179.05 to \$107,086.50 – ***Barribeau moved to approve change order number one of the asphalt paving contract. Thomson second. Motion carried.***
  - f) Consideration and action to pass Resolution 2004-25, Resolution of the Village Board of the Village of Sherwood Entering into a Development Agreement with Lakeshore Estates Limited for the Plat of Lakeshore Estates East – ***Laux moved to approve Resolution 2004-25. Miller second. Motion carried.***
- 8) Presentation of correspondence, resolutions, and related matters
- 9) Adjournment – ***Barribeau moved to adjourn at 8:44 p.m. Thomson second. Motion carried.***

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

## Village Board Special Meeting Minutes

November 16, 2004

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

Roll called:

**Present**

Bill Barribeau

Joe Beach

Roger Kaas

Joyce Laux

David Miller

Carl Thomson

**Absent**

Barb Jack - excused

**Others Present**

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) Registered citizen comments on agenda items – None

- 5) Village Coordinator

- a) Review of 2005 Village of Sherwood Budget (All Governmental Funds) – Responding to a question by Barribeau at the previous meeting Van Lieshout stated that each \$0.01 increase in the tax rate, results in approximately \$1,200.00 in levy.

Discussion was raised by Barribeau regarding the fire protection services contract vis-à-vis the portion of the Town of Harrison fire department budget that is allocable to First Responders. Van Lieshout reported that it appears this amount is \$9,000.00 with an additional \$7,000 budgeted for capital equipment. Regarding the state fire insurance revenues of \$6,000.00 which are received by the Village and paid to the Town, Maxymek reported that the statute unequivocally states that the payment must be forwarded for the purpose of fire department training. The contract for fire service does not speak to crediting the payment as a portion of the payment for service. Miller stated that the Village should review the terms of the fire agreement in 2005.

The general fund capital outlay budget detail was reviewed. \$8,999 is budgeted for general government purposes including expansion of the village office area as well as equipping and furnishing the additional space. \$13,500 is budgeted for public works improvements and equipment including replacement of the garage heater. \$8,001 is budgeted for park facility and equipment as well as improvement of recreation center HVAC controls.

In regard to the request by David Van Elzen of the Sherwood Lions Football for \$50,000 to fund reconstruction of the Legion Park pavilion to add a press box and concession area and gravel to the parking area, Laux commented that although the plans seem impressive, the youth organization should seek sources of support other than Village taxpayers. A letter from Trustee Jack relative to the proposal was also reviewed in which Jack stated she is not in favor of funding the plan.

Barribeau reported that the legislature is likely to address freezing tax levels and opined that the Village may want to maintain the 2005 tax rate at the same level as the 2004 rate.

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

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

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk