

Village Board Meeting Minutes January 10, 2005

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

Present	Others Present
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) Approval of Minutes – ***Barribeau moved to approve the minutes of November 8, 2004 and December 13, 2004. Laux second. Motion carried.***

- 5) Registered citizen comments on agenda items – None

- 6) Report of the Plan Commission
 - 1) For Information Only
 - a. Review of 2004 Single and Two Family Building Report – Fifty new single family building permits and 41 general and land use permits were issued during 2004 for a total of \$8,701,608 estimated residential construction. *Van Lieshout reported that building permits declined to the level of 2001 and 2002, down from the 90 permits issued in 2002 and 72 in 2003. As the rate of growth levels, he said that the Village will want to develop additional non tax revenue sources.*

- 7) Report of the Community Development Authority
 - 1) For Information Only
 - a. The Authority met in closed session for the purpose of 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. The deliberation concerned the High Cliff Golf Course Redevelopment Agreement. *Van Lieshout stated a verbal commitment has been reached with High Cliff Golf Course relative to redevelopment agreement. Counsel will draft a final agreement in upcoming weeks.*

- 8) Report of the Utility Commission
 - 1) Action Items – ***Laux moved to approve action items a. and b. Kaas second. Motion carried.***
 - a. Commissioners moved to deny the owner of Outpost Bar & Grill request to be released from the current Village Assessment Policy for sewer extension of all access frontage of the property. Commissioners explained other developers have

been held to the same extent of the policy; therefore, the current policy will be upheld for the Outpost Bar & Grill.

- b. Commissioners approved the 2005 Sherwood Water and Sewer Utility Budget as revised. The proposed third utility technician wages and fringe benefits were removed from the budget.
- 2) Discussion Items
- a. The Village engineer will be conducting a pilot scale study using activated carbon for further water quality evaluation.
 - b. The Village engineer explained to the commissioners that in the event a new well is located in the Village it would need to be spaced a significant distance apart from the current well due to drawdown.
- 3) Consensus Items
- a. Commissioners agreed to make the Village Coordinator the authorized representative for the CWF loan.
- 9) Report of Village Officers
- a) President – Miller reported that one Utility Commission chair remains vacant. After recent conversation with an interested individual, the party declined appointment.
 - b) Clerk/Treasurer
 - i) Review of disbursement reports – Report reviewed.
- 10) Village Coordinator
- a) Complaints and Compliments – Van Lieshout reported that Mrs. Zastrow of Kings Way complained a vehicle was driven across her yard by an unknown driver. This kind of incident has occurred several times in recent years. After inspecting the scene, Van Lieshout said he will order signage to mark the curve in front of the Zastrow residence. Impaired or negligent driving is, however, the likely cause and posting signs may be ineffective.
 - b) Consideration and action to approve withdrawing \$1,280.00 from Fund 21 Recreation Trail Development for State Park Road Trail construction expense – ***Miller moved to approve withdrawing \$1,280.00 from Fund 21 Recreation Trail Development for State Park Road Trail construction expense. Thomson second. Motion carried.***
 - c) Consideration and action to conditionally award contract S0017-930884 to Carl Bowers Construction for the construction of the Miller Pond Storm Sewer Interceptor (tabled 12/13/04) – ***Barribeau moved to return the matter for consideration. Thomson second. Motion carried.*** Van Lieshout reported that DNR officer Jon Brand has mailed the construction permit. ***Barribeau moved to award contract S0017-930884 in the amount of \$231,508.30 including alternate bid to Carl Bowers Construction for the construction of the Miller Pond Storm Sewer Interceptor conditioned on receipt of a Department of Natural Resources permit and construction easements for access via abutting properties. Miller second. Motion carried.***

- 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 (tabled 12/13/04) – ***Barribeau moved to return the tabled matter for consideration. Laux second. Motion carried.*** Van Lieshout explained that the contractor failed to complete a patch of asphalt construction on Clifton Road in a timely manner. He continued that the patchwork was insufficiently discussed during the pre-construction conference. The oversight was not considered serious enough to enforce liquidated damages. ***Barribeau moved to approve Certificate for Payment Number 3, 2004 Asphalt Paving Program in the amount of \$7,155.41 to MCC, Inc. Kaas second. Motion carried.***

11) Presentation of correspondence, resolutions, and related matters – the following matters were presented:

- Joint correspondence from Coordinator Van Lieshout, State Park Superintendent Hennlich, and Lieutenant Sheriff Hocks to Gloria West, Midwest Sports Events listing concerns and expectations for a detailed plan for 2005 Aurora High Cliff Triathlon.
- Correspondence from Attorney Kathryn Scott, representing Lakeshore Estates Ltd., requesting notification of meeting on proposed sewer and water impact fees ordinance.
- Correspondence from Coordinator Van Lieshout to Tony Radtke, Friends of High Cliff State Park, forwarding check from Lakeshore Estates Ltd. in donation of \$20,000.00.
- Correspondence from Andy Burkart, Burkart-Heisdorf Insurance Agency, Inc., representing League of Wisconsin Municipalities Insurance Company, commenting on statements made at prior meeting by representative of Community Insurance Corporation.
- Invoice from David J. Petrie, N7986 Stommel Rd., and totaling \$200.00. Van Lieshout stated that specified work was not requested.
- Barribeau reported a street light at Cliffwood Drive and Questa Court is lighted all day and in need of maintenance.
- Responding to Barribeau's inquiry, Van Lieshout reported that the recently approved ordinance regulating discharge of weapons on or across Lake Winnebago along with a descriptive map and letter will be forwarded this week to DNR for oversight as stipulated in statute.
- Laux asked for status of ordinance regulating wind turbines. Barribeau reported that due to developing legislation on the issue it is prudent to await further resolution at the county level.
- Responding to inquiry from Laux, Maxymek stated that a resolution will be written and brought for approval to authorize interest rate, if any, on advance of \$175,000 from TIF to Debt Service fund.

- Laux inquired regarding an unapproved stop sign on Castle Drive at the undedicated extension of Knight Drive. Unaware of the sign, Van Lieshout will investigate.
- Laux inquired whether a request by Fox Cities Visitors and Convention Bureau for an ordinance regulating collection of a “room tax” is moving forward. Laux suggested that a representative of the bureau return for additional information.
- Laux asked about the status of a speed control board acquisition.
- Responding to an inquiry from Kaas, Van Lieshout reported that he has forwarded development of an ordinance regulating special events and assemblage to the Village Attorney.
- Laux initiated brief discussion regarding development of a Village web-site.
- Beach requested an agenda item to refer to the Plan Commission the requirement for a collector road in future platting of subdivision tentatively known as Camelot Estates.
- Thomson inquired on status of park signage. Van Lieshout reported that the signs have been received but Public Works did not get them mounted before the on-set of freezing weather.

12) Adjournment – ***Thomson moved to adjourn at 7:41 p.m. Barribeau second. Motion carried.***

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

Village Board Meeting Notice and Agenda

January 24, 2005

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

Present Bill Barribeau Joe Beach Barb Jack Roger Kaas Joyce Laux David Miller Carl Thomson	Absent None Others Present Jennifer Schaaf, Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
--	---

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

- 4) Approval of Minutes – No minutes available.

- 5) Registered citizen comments on agenda items – None

- 6) Report of the Park Recreation and Urban Tree Board – *Laux moved to approve action item 1.b. Kaas second. Motion carried.*
 1. Action Items
 - a. Recommended adoption of revised Village Trail Map. Hearing required.

 - b. Recommend assemble a request for proposals to repair the playing surface in Wannick Park Playing field. The RFP should include: top dressing the low spots with top soil, seeding, aerating, and fertilizing.

 2. For Information Only
 - a. Discussion regarding playground equipment – Tom Doughman reported the Sherwood Optimists are willing to donate \$3,000 towards the acquisition of play equipment for Wannick Park, SAYSO has a matching amount. Tom Doughman and Scott Sheppard will work together to determine suitable apparatus and location. This matter will be presented at a future Village Board meeting to fulfill permission to implement the project.

- 7) Report of the Utility Commission – *Miller moved to approve all action items. Barribeau second. Motion carried.*
 1. Action Items
 - a. Commissioners moved to refer Nemecek & Associates' request to the Plan Commission for consideration and feedback to the Utility Commission. Nemecek & Associates request to begin the Sewer Service Area Amendment process, adding the properties owned by Denise & Hank Feider and JSK Development Corp, which were annexed into the Village in September 2004.

- b. Commissioners moved to approve proposal from Apex Electrical Solutions, Inc, pending "favorable" memo from village engineer, to improve electric service at elevated storage tank building.
 - c. Commissioners approved work plan from Stoeger & Associates LLC for inflow and infiltration survey at receiving manhole from High Cliff State Park. Stoeger & Associates will submit work plan proposal for review and approval.
 - d. Commissioners approved Change Order No. 2 in the amount \$6,514.90 (increase) to Jossart Brothers Construction Co. for the 2004 Manhole Reconstruction.
 - e. Commissioners approved Certificate for Payment No. 2 in the amount \$9,786.45 to Jossart Brothers Construction Co. for partial payment for work completed on 2004 Manhole Reconstruction through December 20, 2004.
 - f. Commissioners moved to deny installation of an additional steam fired unit heater in head works at the WWTP.
2. Discussion Item
- a. Commissioners request Van Lieshout to contact an unbiased engineering firm to conduct an assessment of the Village sewer and water system. The study results could be used to detail the systems' strengths and weakness and prepare a proactive plan for maintenance and upgrades.

8) Report of Village Officers

- a) President
 - i) Consideration and action to confirm the appointment of Matt Gehl to the PRUT Board – ***Barribeau moved to confirm the appointment. Thomson second. Motion carried.***
- b) Clerk/Treasurer
 - i) Review of disbursement reports – Reports reviewed.

9) Village Coordinator

- a) Complaints and Compliments – Van Lieshout reported the occurrence of two water main breaks during very cold temperatures the previous week. St. John-Sacred Heart School was closed due to the water shut off required to repair one of the breaks. Compliments were received about the efficient snow plowing during the heavy snow fall of the same week.
- b) Consideration and action to approve a agreement for services with Miller Wagner Coenen / McMahon for architectural services related to the expansion of the Village Offices – ***Kaas moved to approve the agreement for first phase architectural services in the amount of \$1,500 which will provide schematic design and estimated construction costs. Thomson second. Motion carried.***
- c) Consideration and action to enter into an agreement for bidding, design, and construction services for Meadowcliff Pond with McMahon Associates – ***Thomson moved to approve***

an agreement with McMahon Associates, Inc. for design and construction services for Meadowcliff Pond at time and expense estimated at \$12,000.00 for design services and \$15,000.00 for bidding, construction and on-site services. Barribeau second. Motion carried.

- d) Consideration and action to enter into an agreement for services for the execution of Stormwater Management Planning – At the request of Coordinator Van Lieshout, ***Barribeau moved to table the item to the next meeting. Thomson second. Motion carried.***
- e) Consideration and action to approve an agreement for services with GovOffice.com for website hosting and design assistance services – The government targeted website development services have a one time license fee of \$500.00, which includes one hour of training, and a monthly service fee of \$30.00 including hosting, maintenance, and customer service. Barribeau stated he would like the services to include hit count capabilities. ***Miller moved to approve the agreement for services with GovOffice.com for website hosting and design assistance services. Barribeau second. Motion carried.***
- f) Consideration and action to recommend to the Plan Commission that a collector street running north and south be required in any plat north of STH 114/55 to alleviate future traffic problems at the corner of STH 114/55, CTH M, and Clifton Road – ***Beach moved to recommend to the Plan Commission the requirement of a collector street in any subdivision north of the railroad tracks connecting County Highway M or Kesler Road to Highway 114 and/or Highway 55. Miller second. Motion carried.***
- g) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

Barribeau moved to go into closed session at 8:10 p.m. Laux second. Motion carried.

Thomson moved to return to open session at 8:28 p.m. Barribeau second. Motion carried.

- h) Consideration and action to approve the coordinator to continue with a purchase real estate for the construction of Miller Pond Storm Interceptor and Meadowcliff Detention Basin – ***Miller moved to approve the coordinator moving forward with purchase of real estate for the purpose of constructing the Miller Pond Storm Interceptor and Meadowcliff Detention Basin. Thomson second. Motion carried.***
- 10) Presentation of correspondence, resolutions, and related matters
- Upon inquiry from Miller, Van Lieshout reported that the recently approved ordinance regulating discharge of firearms on or over Lake Winnebago has been forwarded to the Conservation Warden for review as required by the governing state statute.

11) Adjournment – ***Barribeau moved to adjourn at 8:32 p.m. Thomson second. Motion carried.***

Village Board Meeting Minutes February 14, 2005

- 1) Call to Order and Roll Call – President Miller called meeting to order at 6:30 p.m. Roll called:
- | Present | Absent |
|----------------|-----------------------------------|
| Bill Barribeau | Carl Thomson, excused |
| Joe Beach | Others Present |
| Barb Jack | Jennifer Schaaf, Village Engineer |
| Roger Kaas | Nick Vande Hey, Village Engineer |
| Joyce Laux | Josh Van Lieshout, Coordinator |
| David Miller | Ellen Maxymek, Clerk |
- 2) Pledge of Allegiance
- 3) Approval of the Agenda – Several Trustees noted that meeting packets were not delivered until February 13, 2005. ***Barribeau moved to approve the agenda. Kaas second. Motion carried with Beach voting against.***
- 4) Approval of Minutes – ***Barribeau moved to approve the minutes of January 10, 2005. Kaas second. Motion carried with Laux abstaining.***
- 5) Registered citizen comments on agenda items
- Ralph Hopfensperger, N9277 Hwy. 55, Kaukauna, re. agenda items 6)1)a., 8)c) & d).
- 6) Report of the Plan Commission
- 1) Action Items – ***Miller moved to approve action items 1) a., b., c. Barribeau second. Motion carried. Beach against.***
- a. Consideration to approve the annexation of 26.5 acres located in part of the SW1/4 and fraction SW1/4 of Section 19 and part of the NW 1/4 of the Fraction NW 1/4 of Section 30, all in Township 20 North, Range 19 East, Town of Harrison, Calumet County, Wisconsin – *Plan Commission recommended approval of annexation contingent on a developer agreement to pay taxes to town as required by annexation statutes.*
 - b. Consideration of request from Keith Duquaine to change the land use plan designation from Neighborhood Office to Mixed Residential – *Plan Commission recommended Village Board proceed to public hearing for consideration of Land Use Plan amendment* – Van Lieshout reported that Developer Keith Duquaine wants to ascertain the Village’s position relating to amending current zoning to allow multi-unit development. The property, which has one road access, is owned by KMS Corporation and is located on Hwy. 114/55 at the south end of the Village. The trustees expressed concerns regarding safety and access to Hwy. 114/55 in the area.
 - c. Consideration to approve a certified survey map relocating the lot line common to lots 180 and 181 in the subdivision of Windswept Shores II – *Plan Commission recommended approval of CSM relocating the lot line common to lots 180 and 181 in the subdivision of Windswept Shores II.*

2) For Information Only

- a. Review of concept subdivision plan for Ross Van Handle – *Plan Commission reviewed concept plan giving recommendations for revisions.*
- b. Consideration of referral from the Village Board to amend the official map to plan a collector street north of railroad track, connecting CTH M or Kessler Road to STH 114 and/or STH 55 – *Plan Commission will consider amending official map after obtaining additional information including Town of Harrison official map and in conjunction with comprehensive planning process.*
- c. Consideration of referral from Utility Commission regarding the request from Nemecek & Associates to begin the Sewer Service Area Plan Amendment process, adding properties owned by Denise & Hank Fieder and JSK Development – *Plan Commission restated previous intent to delay further consideration of development in the aforementioned property until comprehensive planning process is complete.*

7) Report of Village Officers

a) President

- i) Consideration and action to change Village Board per diems – Following discussion ***Beach moved to increase the meeting per diem of the president to \$50.00 per meeting attended. Jack second. Motion carried unanimously.***

Miller moved to increase the trustee meeting per diem to \$48.00 per meeting attended. Laux second. Motion carried with Beach voting against.

b) Clerk/Treasurer

- i) Review of disbursement reports – Reports were reviewed.
- ii) Consideration and action to approve the sale of a cemetery plot and agreement for perpetual care – ***Barribeau moved to approve. Miller second. Motion carried.***
- iii) Consideration and action to approve Resolution 05-01 TIF Fund Advance of \$175,000 and the interest rate thereof – ***Barribeau moved to approve Resolution 05-01 authorizing the defeasance of the balance of \$175,000 in general obligation debt and the advance of a like amount from TIF to Debt Service Fund at zero rate of interest. Beach second. Motion carried.***
- iv) Consideration and action to approve an Class B Beer Alcohol Beverage License for Bradley's Sherwood Family Restaurant, LLC, Brad K. Busse, Owner – No action. The matter will be brought back for consideration on February 28, 2005.

8) Village Coordinator

a) Complaints and Compliments

- Van Lieshout reported that a Lakeshore Lane resident has asked that the Pigeon Road trail be plowed by the Village because children may use the trail to walk to their bus stop. Laux opined that plowing trails would reopen requests to have the Village plow sidewalks as well.

- Van Lieshout reported a complaint from a resident who was cited for overnight street parking which obstructed snow plowing. Although sympathy was expressed for the resident whose driveway is extremely steep and difficult to park on if iced, Miller commented that the ordinance prohibiting overnight parking during the snow season is in effect and should be enforced.
- b) Consideration and action to waive rule 9(a) of the Village Board Rules requiring two readings of proposed Ordinance 05-89 – ***Barribeau moved to waive rule 9) a) of the rules of the Village Board. Kaas second. Motion carried.***
- c) Consideration and action to adopt Ordinance 05-89 annexing 26.5 acres located in part of the SW1/4 and fraction SW1/4 of Section 19 and part of the NW 1/4 of the Fraction NW 1/4 of Section 30, all in Township 20 North, Range 19 East, Town of Harrison, Calumet County, Wisconsin – Van Lieshout reported that the owners ask that the property under consideration for annexation be zoned residential and noted that adjacent development is zoned R-1 and IR-2 respectively. He stated that the property is in the Sherwood sewer service area. Ralph Hopfensperger stated that the owners agree to pay to the village an amount equal to that levied by Town of Harrison in tax year 2005 for a five year period as required by annexation legislation enacted in 2004. Kaas requested that this agreement be formalized and included in a development agreement as the subdivision project moves forward. ***Barribeau moved to adopt Ordinance 05-89 annexing 26.5 acres located in part of the SW1/4 and fraction SW1/4 of Section 19 and part of the NW 1/4 of the Fraction NW 1/4 of Section 30, all in Township 20 North, Range 19 East, Town of Harrison, Calumet County, Wisconsin. Laux second. Motion carried.***
- d) Consideration and action to permit the use of the Village Engineer as the Developer's Engineer for the Ralph Hopfensperger development – In a letter dated February 7, 2005 Developers Hopfensperger stated their desire to have the Village engineering group, act in the capacity of development engineers. The Hopfenspergers agree “to allow McMahon Associates, Inc. to layout, design, and document” the subdivision, related improvements and utilities in accordance with the Village’s Subdivision Ordinance and Standard Specifications for Construction. The Developers agreed to reimburse the Village for reasonable costs and expenses incurred by the Village related to the subdivision project. The Developers state that there is not now nor do they anticipate there being “a principal or employee of McMahon Associates, Inc, the Village Engineer or Village of Sherwood principal or employee as a partner in this project”. During discussion the Trustees stipulated that the term “reasonable” be struck from the agreement to reimburse costs; and the phrase “at this time, nor do we anticipate” be restated “there is not now, nor will there be” in regard to a principal or employee as partner in the subdivision project. Kaas stated he would like to have a developers agreement created to formalize these stipulations as well as payment of the tax equivalents mentioned in item 8) c) above. ***Barribeau moved to permit the Village Engineer to act in the capacity as the Developer's Engineer for the Hopfensperger development with the noted stipulations. Kaas second. Motion carried.***

- e) Consideration and action to approve Resolution 05-02 creating Election Ward 8, Village of Sherwood – ***Barribeau moved to approve Resolution 05-02 creating Election Ward 8, Village of Sherwood. Kaas second. Motion carried.***
- f) Consideration and action to enter into an agreement with McMahon Associates for services for the execution of Stormwater Management Planning (tabled 1/24/05) – ***Barribeau moved to take the matter from the table. Kaas second. Motion carried.*** Responding to an inquiry by Trustee Kaas, Nick Vande Hey, McMahon Associates, Inc. stated that the agreement is not directly related to the storm water management projects ongoing currently. Rather this proposal is for storm water management planning intended to update Village Ordinances and develop a 20-year growth plan for quality storm water discharge systems and structures. The area covered in the anticipated plan generally corresponds to the growth area in the Village of Sherwood Sanitary Sewer Plan. The Agreement proposal is in the lump sum fee amount of \$82,800 with 70% of the cost (\$57,960) to be covered by an Urban Non-Point Source & Storm Water (UNPS&SW) Planning Grant recently awarded to the Village. ***Barribeau moved to approve agreement number M0032-940001 with McMahon Associates for services for the execution of Stormwater Management Planning Services. Laux second. Motion carried.***
- g) Consideration and action to accept Outlots 5, 6, State Park Estates II Outlot 7 State Park Estates III, and Outlot 8 State Park Estates IV – Van Lieshout reported that RBH Developments LLC wants to deed four outlots to the Village. These outlots are traversed by Village owned trails located in three of the State Park Estates developments. LLC Member Louis Resch and partners wants to convey the properties on which taxes and special assessments are now being levied each year. At this time tax bills totaling \$993.86 are outstanding. The Board instructed Van Lieshout to negotiate the transfer of the property which may necessitate paying off the tax liabilities.
- h) Consideration and action to deny payment of invoices 1419 and 1420 from David J. Petrie, N7986 Stommel Road, Sherwood – After ascertaining that services described in these billings were not requested by the Village or its representatives, ***Miller moved to deny payment for unauthorized service. Kaas second. Motion carried.***
- i) Discussion and possible action regarding security incident at Plaza and Recreation Center – Van Lieshout reported that a security issue has arisen at the Rec Center. A teenager was loitering for several hours in the building during the Village dance program activities on Thursday, February 10. The Constable was called and he intercepted the boy, delivered him to his Sherwood residence, and later spoke to the boy’s mother regarding the incident. Subsequently the dance instructor and a parent checked the building and verified that the doors were locked before they left the building. The following morning, however, the back door to the building was again unlocked and there were signs that someone may have been in the building overnight. Hearing of the incident, the Trustees instructed Van Lieshout to have the back door lock re-keyed and to investigate a security lock system for possible implementation at Village facilities.
- 9) Presentation of correspondence, resolutions, and related matters
- Beach requested that the engineer’s study of traffic patterns in the vicinity of the intersection of Hwy. 114/55, Cty. Hwy. M, and Clifton Road and any comments or

correspondence from the Department of Transportation be brought back before the Board for additional deliberation.

- Van Lieshout briefly called attention to the items of information and correspondence included in the meeting packet.

10) Adjournment – *Barribeau moved to adjourn at 8:40 p.m. Jack second. Motion carried.*

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

Village Board Meeting Minutes

February 28, 2005

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

Present

Bill Barribeau

Joe Beach

Joyce Laux

David Miller

Carl Thomson

Absent

Barb Jack, excused

Roger Kaas, excused

Others Present

Jennifer Schaaf, Village Engineer

Josh Van Lieshout, Coordinator

Ellen Maxymek, Clerk

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of January 24, 2004. Thomson second. Motion carried.*

Barribeau moved to approve the minutes of February 14, 2005. Miller second. Thomson noted that his absence from the meeting was excused. *Motion carried with change noted.*

- 5) Registered citizen comments on agenda items
- Brad Busse, owner of Bradley's Sherwood Family Restaurant, LLC, re agenda item 7) a) i).

- 6) PUBLIC HEARING: Proposed amendments to the Trails Map, an Official Map of the Village of Sherwood – Beach inquired if the Clifton Road on-road trail could be moved to the south side of the road from its present north side location. Regarding proposed mapping of a trail behind residential properties west of Golf Course Road and behind Meadowcliff Condominiums, encircling Meadowcliff Estates property, proceeding parallel to the 13th fairway, and intersecting with Pigeon Road, Van Lieshout reported he believes Golf Course Road property owners would be opposed to such a proposal. Furthermore, he doubted that the Village Board would ever be willing to condemn property to obtain easements. Miller stated he would like property owners to be encouraged to attend a public hearing on the matter. A new public hearing will be scheduled, published, and noticed to that end. After three calls for public comment and hearing none the hearing was closed.

- 7) Consent Agenda

- a) Alcohol Beverage License Approval

- i) Bradley's Sherwood Family Restaurant LLC, Brad K. Busse, Owner and Agent – Brad Busse stated that he is requesting a Class B Fermented Malt Beverage License in order to remain competitive with new and existing restaurant businesses in the Village. He reminded the Board that his is the only establishment, with the exception of the seasonally open Chubby Seagull, that does not have a license to serve alcohol. *Barribeau moved to approve a Class B Fermented Malt Beverage License for Bradley's Sherwood Family Restaurant LLC, Brad K. Busse, Agent. Beach second. Motion carried unanimously.*

- b) Operator's License Approval
 - i) Thomas J. Lammi – *Laux moved to approve an Operator's License for Thomas J. Lammi. Miller second. Motion carried unanimously.*

- 8) Report of the Utility Commission – *Miller moved to accept the report of the Utility Commission. Barribeau second. Motion carried unanimously.*
 - 1) Action Items
 - i) *Commissioners approved the February 21, 2005 McMahon Associates, Inc correspondence, written on behalf of the Village of Sherwood to the WDNR, in response to three changes proposed by the DNR in Draft WPDES Permit WI-0031127-07-0 – Van Lieshout reported that new permitting requirements are burdensome and unnecessary in view of the fact that there has been a past history of A-level plant performance. Relief from additional testing requirements has been requested.*

 - ii) *Commissioners moved to recommend that the Village Board adopt Ordinance 05-90, establishing a Development Impact Fee for the Village of Sherwood. Commissioners suggested that Format 1 of Impact Fee Format Examples, prepared by McMahon Associates, Inc, be used to structure the Schedule of Fees (Section 3) and change wording of Collection of Impact Fees (Section 4) to reflect structure of the Schedule of Fees (Section 3) based on water meter size – Van Lieshout reported that a resolution to adopt a facilities need assessment (see agenda item 12) b)) must be adopted by the Board, followed by a public hearing on sewer and water impact fees before the ordinance can be adopted. Barribeau stated that he is in favor of structuring impact fees to cover the full cost of future infrastructure up to as much as \$6,000 per hook-up.*

 - iii) *Commissioners approved the proposal for services from Stoeger & Associates LLC for inflow and infiltration survey at receiving manhole from High Cliff State Park, not to exceed \$1500.*

 - iv) *Commissioners approved certificate for payment no. 3 of the 2004 Sanitary Manhole Reconstruction for partial payment in the amount of \$5,923.50 to Jossart Bros. Construction for work completed through December 20, 2004.*

 - 2) Discussion Items
 - i) *Commissioners instructed Van Lieshout, Village Coordinator, to write to the Wisconsin Department of Natural Resources and indicate that the Village will not be applying to the Safe Drinking Water Loan Program this year – Van Lieshout reported that the Commission will apply for a Safe Drinking Water Program loan in 2006.*

 - ii) *Van Lieshout indicated that he will respond in writing, as requested, to the WDNR correspondence dated February 15, 2005 which requests updates of what corrective actions Sherwood has taken to date in response to the May 23, 2004 unscheduled bypass.*

- 9) Report of Village Officers
- a) President – No report.
 - b) Clerk/Treasurer
 - i) Review of disbursement and financial reports – YE 2004 balance sheet and budget comparison reports were reviewed. Disbursement report was reviewed. Regarding a payment to Town of Harrison for 2005 fire protection services, Barribeau stated he would like a discussion with the Town regarding the fire protection contract, to clarify issues such as capital equipment purchases/retirement and reduction of contract payment to account for fire dues refunded to Town.
- 10) Village Coordinator
- a) Complaints and Compliments
 - Bernie Hackel, N7971 Pigeon Road, complaint regarding mailbox knocked over by plow.
 - Two property owners thank Clerk/Treasurer for handling of questions regarding tax bills.
 - Thanks from property owner to Coordinator for prompt response to information request re economic development opportunities.
 - b) Consideration and action to approve Resolution 05-03 adopting the Facility Needs Assessment for Sherwood Sewer and Water Utility – ***Barribeau moved to approve Resolution 05-03 adopting a public Facilities Needs Assessment for the water and wastewater systems. Laux second. Roll call vote. Barribeau, Beach, Laux, Miller, Thomson in favor. No votes against.***
 - c) Consideration and action to approve the remodeling plan for offices 1 and 2 of the Sherwood Plaza – Van Lieshout reviewed office plaza remodeling plans and estimates totaling \$37,440 including necessary changes to heating, ventilating and electrical systems. Discussion ensued related to funding these largely unbudgeted expenditures. ***Barribeau moved to approve the remodeling plan. Laux second. Motion carried unanimously.***
- 11) Presentation of correspondence, resolutions, and related matters
- Van Lieshout called attention to a Crimestoppers program scheduled for March 16, 2005 focusing on internet crimes against children.
 - Barribeau inquired about a streetlight at the intersection of Cliffwood Drive and Questa Court which is in need of repair. Van Lieshout will check with WE Energies as to repair status.
- 12) Adjournment – ***Thomson moved to adjourn at 8:16 p.m. Barribeau second. Motion carried.***
- Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes

March 14, 2005

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

Present	Absent
Bill Barribeau	Barb Jack, excused
Joe Beach	Others Present
Roger Kaas	Jennifer Schaaf, Engineer
Joyce Laux	Michael Simon, Engineer
David Miller	Josh Van Lieshout, Coordinator
Carl Thomson	Ellen Maxymek, Clerk

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of February 28, 2005. Laux second. Motion carried. Kaas abstained.*

- 5) Registered citizen comments on agenda items
 - Mary Schrodtt, W4912 Palisades Trail, re. agenda item 7) 1) b)
 - Keith Duquaine, developer, re. agenda item 7) 1) a)

- 6) Consent Agenda
 - a) Operators License
 - i) Curtis Mader – *Barribeau moved to approve the license application. Beach second. Motion carried.*

 - ii) Lisa Chartier – *Thomson moved to approve license application. Laux second. Motion carried.*

 - iii) Jill A. Nagel-Long – Declined action requesting the appearance of Nagel-Long at the next meeting.

 - iv) Kim Godfroy – *Beach moved to approve the license application. Kaas second. Motion carried.*

- 7) Report of the Plan Commission
 - 1) Action Items
 - a. Consideration and action to recommend to the Village Board changing the planned land use of lots 1,2,3 of CSM 1393 from Neighborhood Office to Mixed Residential – *After viewing video presentation which displayed safe pull-out time at highway access point, the Plan Commission recommended approval to changing the planned land use of lots 1,2,3 of CSM 1393 from Neighborhood Office to Mixed Residential* – Responding to Board inquiries Keith Duquaine stated that construction of a turning lane to provide safety accessing the highway could be negotiated in a developer agreement. He said that more than 1.5 parking spaces per unit are planned. Ground level private parking garages with living

units above are envisioned. Beach questioned whether carbon monoxide detectors are planned in residential units above the garages. Duquaine answered that state building inspectors enforce commercial building codes and the safety devices will be provided if required. The developer said he plans to retain as many of the mature trees on the building sites as possible. Barribeau stated that walking trails should provide pedestrian access to the rest of the Village. ***Barribeau moved to approve changing the planned land use of lots 1,2,3 of CSM 1393 from Neighborhood Office to Mixed Residential. Laux second. Motion carried.***

- b. Consideration and action to approve a certified survey map combining previously vacated right-of-way with lots 154 and 153 Niagara Shores Plat – *Approved a certified survey map combining previously vacated right-of-way with lots 154 and 153 Niagara Shores Plat. Barribeau moved to approve a certified survey map combining previously vacated right-of-way with lots 154 and 153 Niagara Shores Plat. Miller second. Motion carried.*
 - c. Consideration and action regarding the request of Jeff Rustic, Schuler Associates to modify the approved drainage plan for Lakeshore Estates East – *Agreeing with Village Engineer's recommendation that yard drains or some other type of conveyance system must be provided for drainage of lots 58-60 during construction phase, the Commission denied a developer request to modify the approved drainage plan for Lakeshore Estates East. Laux moved to deny a developer request to modify the approved drainage plan for Lakeshore Estates East. Thomson second. Motion carried.*
- 8) Report of Village Officers
- a) President – No report.
 - b) Clerk/Treasurer
 - i) Review of disbursement reports – Reports reviewed.
 - ii) Consideration and action requesting waiver of the rental fee Community Center for Senator Feingold listening session on March 19, 2005 – ***Barribeau moved to waive the rental fee. Beach second. Motion carried.***
 - iii) Consideration and action requesting waiver of the rental fee Wannick Park Softball Field & Pavilion for Saint John/Sacred Heart baseball games – It was the consensus of the Board that the rental fee can be waived however the SAYSO and SJ-SH groups will need to resolve any scheduling conflicts. Discussing the need for a policy governing use of the parks and park facilities, the matter was referred to the Park, Recreation, and Urban Tree (PRUT) Board for policy development.
 - iv) Consideration and action requesting waiver of the rental fee for Sherwood Recreation Center for Saint John/Sacred Heart softball practice – It was the consensus of the Board to deny use of the gym for the purposes of softball or baseball practice.
 - v) Review of special assessments for improvements as established by Resolution 96-01 – The final resolution to special assess for improvements installed in the

reconstruction of STH 114/55 was reviewed. It was agreed that deferred assessments do not accrue interest until and unless the assessment becomes current.

9) Village Coordinator

- a) Complaints and Compliments – None to review.
- b) Consideration and action to approve a proposal for services to analyze the intersection of STH 55/CTH M/Clifton Road – The purpose of this proposal, Engineer Simon stated, is to analyze the intersection of STH 55 / CTH M / Clifton Road and to determine what type of safety improvements should be made. Ninety percent federal funding grants are available for the purpose of hazard elimination. ***Miller moved to approve an agreement for professional services with McMahon Associates in the amount of \$4,500 for items 1, 2, and 3 of the proposal with the cost of completing items 4-7 to vary depending on the amount of detail and number of options requested by the Village. Laux second. Motion carried.***
- c) Consideration and action directing Coordinator regarding request of Kay Goeser for announcement in the Village newsletter – The Trustees agreed that the announcement could be included in the newsletter if a reference to a specific religious faith was removed.
- d) Review correspondence from Byron Goetsch, Region Warden, Wisconsin Department of Natural Resources regarding firearms discharge ordinance – Van Lieshout reported that since the western boundary of the Village ends at the shore of Lake Winnebago the DNR has requested the “legal basis for enacting an ordinance that purports to extend [regulatory authority] beyond the Village of Sherwood Boundary”. The ordinance in question is the recently adopted Ordinance 04-88 which regulates the discharge of firearms across Lake Winnebago within 500 feet of a dwelling or place of public assembly. Van Lieshout recommended that the matter be referred to Village Attorney Carlson to draft a response to the DNR request.
- 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.

Miller moved to proceed to closed session at 8:10 p.m. per the above cited statute. Thomson second. Motion carried unanimously.

Barribeau moved to return to open session at 8:55 p.m. Thomson second. Motion carried unanimously.

10) Presentation of correspondence, resolutions, and related matters

- Van Lieshout enumerated the items of correspondence and information included in the packet.
- Kaas reported finding an interesting publication entitled American City and County. Free subscriptions are available at the www.primediabusiness website.

- Laux inquired regarding the status of the right-of-way for future road development in the vicinity of the Outpost Bar and Grill. Van Lieshout reviewed same.
- Barribeau reported that a street light at Questa Court and Cliffwood Drive continues to be lighted day and night.
- Barribeau reported that a semi truck is using the old gas station as a parking lot and asked Van Lieshout to request its removal.
- Thomson asked for a progress report on Midwest Sports Events Triathlon planning. Van Lieshout responded that he has met with Gloria West and event planning is progressing well. The bicycle leg of the course has been changed to run down Golf Course/Stommel Road which will relieve most of the complaints that occurred during last year's event.

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

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

Village Board Meeting Minutes

March 28, 2005

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

Present	Absent
Bill Barribeau	Joe Beach - excused
Barb Jack	Roger Kaas - excused
Joyce Laux	David Miller - excused
Carl Thomson	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) Approval of Minutes – *Barribeau moved to approve the minutes of March 14, 2005. Laux second. Motion carried.*
- 5) Registered citizen comments on agenda items
 - Jill Long, 929 W. Brewster St. Appleton, re. Agenda Item 6) b) ii)
 - Ryan Thiede, re. Agenda Item 6) b) i)
- 6) Consent Agenda
 - a) Cigarette License
 - i) The Outpost Pub and Provisions, LLC – *Laux moved to approve the application for a tobacco license for Outpost Bar and Grill.*
 - b) Operators License
 - i) Ryan Thiede – Thiede stated that his conviction for serving alcohol to a minor, reported on his license application, occurred as a result of a sting operation. After hearing Thiede, *Jack moved to approve the operator's license. Thomson second. Motion carried.*
 - ii) Jill A. Nagel-Long – Long appeared before the Board explaining that her conviction for driving under the influence would never be repeated. *Barribeau moved to approve the operator's license of Nagel-Long. Thomson second. Motion carried.*
- 7) Report of the Utility Commission
 - 1) ACTION ITEMS – *Barribeau moved to table action item a. Laux second. Item tabled. Laux moved to approve action item b. and c. Jack second. Motion carried.*
 - a. Commissioners moved to recommend to the Village Board their prior recommendation to adopt Ordinance 05-90 establishing a Development Impact Fee in the amount of \$4,000 for the Village of Sherwood.
 - b. Commissioners moved to approve acceptance of sewer and water utility infrastructure for State Park Estates IV pending receipt of a "favorable" review correspondence from the project engineer stating that there are no conditions subject to the approval.

- c. Commissioners approved a contract with Bob & Dave's Lawn & Landscape Maintenance in the amount \$9,799.04 for 2005 mowing and trimming.

2) DISCUSSION ITEMS

- a. Discussed DNR correspondence received, which is in response to the self-evaluation the Village submitted, to determine priority scoring for the 2006 Safe Drinking Water Loan Program. The Village self-evaluation points equaled a project priority score of 344. The DNR based their calculation, 64 project priority score, on the documentation provided by the Village. Therefore, the Sherwood Village priority score is lower on the SDWLP project priority list.
- b. Discussed DNR response correspondence regarding the Draft WPDES Permit for the Village of Sherwood. The DNR stated that they will require the Village to test Total Phosphorus and Ammonia twice per week rather than the one time per week requested by the Village, due to the lack of random days of sampling, 80% samples collected on either Sunday or Monday.
- c. The DNR has scheduled a public informational hearing to be held March 28, 2005 at 2:30 p.m. at the Sherwood Community Center. Property owners near the Sherwood wastewater facility petitioned for the hearing to discuss the WPDES -Permit no. WI-0031127-07-0 for the Village of Sherwood.
- d. Discussed Phase one results from the flow monitoring survey of High Cliff State Park wastewater discharge. A High Cliff State Park representative has discussed the results with the Village Coordinator. After assessing the preliminary flow monitoring results, the High Cliff State Park representative agreed there are significant I&I problems in their sanitary system. The High Cliff State Park representative has submitted a plan to the State to receive funding. Testing will be conducted within the next couple months.
- e. Discussed Mutual Assistance Agreement received from the Village of Hilbert. Commissioners requested Van Lieshout to conduct a document comparison between the Mutual Assistance Agreement received and the Mutual Assistance Agreement Sherwood had submitted to the Village of Hilbert.

8) Report of Village Officers

- a) President – No report.
- b) Clerk/Treasurer
 - i) Review of disbursement reports – Reports reviewed.
 - ii) Consideration and action to approve confirmation of understanding for FY 2004 Audit Services – ***Laux moved to approve the confirmation of understanding for FY 2004 Audit Services with Virchow, Krause & Company. Thomson second. Motion carried.***
 - iii) Consideration and action to approve the final FY 2004 Budget Amendment – ***Barribeau moved to approve the amendment of the 2004 budget. Thomson second. Motion carried.***

9) Village Coordinator

- a) Complaints and Compliments – None to report.

- b) Consideration and action to approve Resolution 05-04, Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes as Amended – Van Lieshout explained that this resolution is the first step in the process of special assessing for extension of water service to properties abutting Highway 114 at the southern boundary of the village. He contacted the Town of Harrison to solicit assistance in collecting assessment of property outside the Village via the tax roll. The Town, however, is unwilling to assist in the process, saying that the project would not benefit the Town. Van Lieshout stated that the Utility Commission would have to seriously contemplate whether the project improvement would be fully levied on benefiting Village properties with repayment as properties are annexed. In the alternative the improvements would be assessed to current Village properties and deferred to properties outside of the Village until those properties are annexed and connected to water service. In the latter instance, the Utility would fund the deferred portion of the project for an unknown period of time, potentially without ever recovering costs. ***Barribeau moved to approve Resolution 05-04, Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers, Wisconsin Statutes as Amended. Jack second. Motion carried.***
- c) Consideration and action to set hearing date for an Ordinance Establishing a Development Impact Fee For the Village of Sherwood – ***Barribeau moved to table. Thomson second. Tabled.***
- d) Consideration and action on request for financial assistance from East Shore Humane Association – Discussion without motion.
- e) Consideration and action on request for financial assistance in acquisition of a Jaws of Life unit for Harrison Volunteer Fire Department 1 – Discussion without motion.
- f) Consideration and action to approve the disposal of old street holiday decorations, rotary mower, side mount flail mower, and unused chain link fence and posts – ***Barribeau moved to approve disposal of listed equipment. Thomson second. Carried.***
- g) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.
- Move into closed session was not recommended.
- h) Consideration and possible action regarding administrative performance appraisal outcomes – ***Laux moved to table. Thomson second. Tabled.***
- i) Consideration and action regarding the annual Constable salary – ***Laux moved to table. Thomson second. Tabled.***

10) Presentation of correspondence, resolutions, and related matters

- Gloria West of Midwest Sports Events hopes to appear at the meeting of the Village Board on April 11 to request approval of and cooperation in the upcoming triathlon event. Van Lieshout is reportedly unsure whether or not the gathering ordinance will be ready for review by that date.
- Barribeau stated that a street light at Questa Court continues to be lit all day.
- Laux inquired about availability of Board of Review certification training. Maxymek will find information and make it available at the next meeting.
- Responding to a question from Barribeau, Van Lieshout stated he has received no new information about the Smet property which is advertised for sale.
- Thomson asked if the Village can do anything to discourage parking in the vicinity of the Town of Harrison boat launch property. Barribeau said we could repaint the yellow lines at the road shoulder indicating no parking.
- Jack stated that constituents have reported an odor near the Stommel Road pumphouse. Van Lieshout stated the smell is likely from the hydrogen sulfite used to treat the well water.
- Jack requested enforcement of the address numbering ordinance noting that many residents have not corrected the sign mountings.

11) Adjournment – *Barribeau moved to adjourn at 8:58 p.m. Thomson second. Carried.*

Minutes respectfully submitted for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes April 11, 2005

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:30 p.m. Roll called:
- | | | |
|--|----------------|-----------------------------------|
| | Present | Absent |
| | Bill Barribeau | Joe Beach – excused |
| | Roger Kaas | Barb Jack – excused |
| | Joyce Laux | Others Present |
| | David Miller | Jennifer Schaaf, Village Engineer |
| | Carl Thomson | Joshua Van Lieshout, Coordinator |
| | | 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 March 28, 2005. Laux second. Motion carried with Kaas and Miller abstaining.*
- 5) Registered citizen comments on agenda items
- Olivia Witthun, Department of Natural Resources, re. agenda item 10) a), Tree City USA award.
- 6) PUBLIC HEARING: Proposed amendments to the Trails Map, an Official Map of the Village of Sherwood
- Paul Grube, W4896 Golf Course Rd., stated opposition to trail behind Golf Course Road properties. Grube asked who decided where trail should be placed without consulting property owners and do property owners have recourse.
 - Bob Burdick, W4936 14th Ct., stated he is not in favor of planned Golf Course Road portion of trail. Wants written notice.
 - Ron Schneider, W4930 14th Ct., opposed to trail.
 - Gail VandenHeuvel, N7849 Niagara Ct., opposed to trail.
 - Bill Troestler, N7853 Niagara Ct., stated if built as planned, trail would be within twenty-five feet of his yard and swimming pool. Said other trails have been designed and built during the course of development, not long after area has been established.
 - Dawn Lemerond, N7856 Niagara Ct., against Golf Course Road section of trail

At the request of the chair, Van Lieshout explained that official mapping is an initial step, in the long-term planning process. Official maps are used as tools to alert officials and interested parties that future structures may be contemplated. Official maps are not a decision to construct planned structures. Property acquisition would be negotiated only if and when the project eventually came to fruition. He stated that he knows of no provision in the statutes for direct recourse against creation of infrastructure.

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

- 7) PUBLIC HEARING: A proposed AMENDMENT of the ZONING MAP, ORDINANCE 65 will be considered which, if granted, would change the zoning of Lots 1, 2, 3 CSM #1393 located in the SW ¼ of the NW ¼ Section 32-20-19 from the current R-1A single family to R-4 multi-family zoning
- Keith Duquaine, property developer
 - Florian Schmidt, W425 Margaret Ct., property owner.
 - Kenneth Kress, N504 Military Rd., property owner.
 - Dave Maier, stated his property abuts the subject property and asked when and how the road was approved. Property owners Schmidt & Kress replied that the property was surveyed and parcels created in 1989. There is no road on the property, he continued, but the road access [driveway access to Hwy. 114/55] was applied for and approved by the Department of Transportation at some time later.

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

- 8) Consent Agenda
- a) Operators License – ***Barribeau moved to approve operator’s licenses to the listed applicants. Thomson second. Motion carried.***
- i) Nicole Faye Buchholz
 - ii) Carol J. Colrud
 - iii) Michelle R. Schmidt
 - iv) Monica K. Wepner
 - v) Timothy M. Patterman
- 9) Report of the Plan Commission
- 1) Action Items – ***Barribeau moved to approve action items a., b., c. Laux second. Motion carried.***
- a. Consideration and action on a request to change the zoning of Lots 1, 2, 3 CSM #1393 located in the SW ¼ of the NW ¼ Section 32-20-19 from the current R-1A single family to R-4 multi-family zoning – ***Recommended approval of an application to rezone Lots 1, 2, 3 CSM #1393 located in the SW ¼ of the NW ¼ Section 32-20-19 from the current R-1A single family to R-4 multi-family zoning.***
 - b. Consideration and possible action on a proposed Certified Survey Map creating a parcel of land 2.21 acres in size in the extraterritorial review area of the Village of Sherwood located in part of the southeast quarter of the southeast quarter of section 24, Township 20 North, Range 18 East, Town of Harrison, Calumet County Wisconsin – Reviewed a recorded affidavit signed by owner Donald Mielke stating that the described property is not intended for residential building purposes nor for a purpose that requires private sewage disposal. ***Recommended approval without objection of a Certified Survey Map creating a parcel of land 2.21 acres in size in the extraterritorial review area of the Village***

of Sherwood located in part of the southeast quarter of the southeast quarter of section 24, Township 20 North, Range 18 East, Town of Harrison, Calumet County Wisconsin.

- c. Consideration and action to approve a lighting plan for Lakeshore Estates East – *Recommended approval of a proposed plan and agreement for the initial phase lighting of Lakeshore Estates East subdivision.*

10) Report of Village Officers

a) President

- i) Acceptance of 2004 Tree City USA award – Olivia Witthun presented a 2004 Tree City USA flag and award to President Miller and Tom Jack, Chairman of Park, Recreation and Urban Tree Board.

b) Clerk/Treasurer

- i) Review of disbursement and financial reports – Reports reviewed.
- ii) Consideration and action to set date of Village Board Organizational Meeting – The organizational meeting was scheduled Monday April 25 Following the regularly scheduled meeting.

10) Village Coordinator

- a) Complaints and Compliments – Complaint of loud music from Outpost Pub & Provisions.

- b) Consideration and action to approve proposed amendments to the Trails Map, an Official Map of the Village of Sherwood – ***Barribeau moved to refer the matter back to the Park, Recreation, and Urban Tree Board and to make the PRUT Board aware of comments presented at the public hearing. Thomson second. Motion carried.***

- c) Consideration and action to approve an amendment of the Zoning Map, Ordinance 65 which would change the zoning of Lots 1, 2, 3 CSM #1393 located in the SW ¼ of the NW ¼ Section 32-20-19 from the current R-1A single family to R-4 multi-family zoning – Approved under agenda item 9) 1) a.

- d) Consideration and action to set hearing date for an Ordinance Establishing a Development Impact Fee for the Village of Sherwood (Tabled 3/28/05) – Van Lieshout called attention to correspondence from Engineer Rosenbeck [2/22/05] and from Warren Schneider [4/5/05] relating to potential exemption from levying proposed impact fees or connection fees on lots on the north side of State Park Road in a subdivision now known as Windswept Shores II. A public hearing on an ordinance establishing a development impact fee for the Village of Sherwood was scheduled for May 9, 2005.

- e) Consideration and action to approve an ordinance regulating large gatherings – An Ordinance Establishing Standards and Permit Requirements for Special Events was reviewed as a first reading. Kaas noted needed language change on pg. 3, § 3. (g)...***The ~~Police Department~~ shall only post temporary parking-related regulations on public streets for special events if determined necessary by the ~~Police Chief~~ for public traffic***

safety or as may be directed by the Village Board within the permit approval process. Kaas questioned whether language should be inserted at pg. 4, § 3. (k), specifying the manner in which cash bonds are to be refunded.

- f) Discussion and possible action regarding 2005 High Cliff Triathlon – Van Lieshout reported that concerned parties started the triathlon event planning early and reported the following issues resolved:
- Much of event will occur at High Cliff State Park and will not use Village structures
 - The run portion of the event will not be staged on municipal streets
 - The bike route will proceed from on Golf Course and Stommel Roads out of the Village. In the event of a conflict with planned street project the biking portion would be rerouted
 - Based on analysis of 2004 event, car/bike conflicts are not expected to be a problem.
 - Event planner have done a good job of public awareness and have copied pertinent correspondence to Village administration
 - Gloria West, Midwest Sports Events, estimated that 850 persons will participate in the triathlon
 - Zoning code administrator Van Lieshout will issue a temporary zoning permit for the event
- g) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. (Tabled 3-28-05) – ***Barribeau motioned to remove the item from the table and proceed to closed session for the purposes noted in §19.85(1)(c). Thomson second. Motion carried.***
- h) Consideration and possible action regarding administrative performance appraisal outcomes (Tabled 3-28-05) – Miller will review outcomes of performance review with Coordinator Van Lieshout.

11) Presentation of correspondence, resolutions, and related matters

12) Adjournment – ***Thomson moved to adjourn at 9:25 p.m. Barribeau second. Motion carried.***

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

Village Board Meeting Minutes April 25, 2005

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

Present	Absent
Bill Barribeau	Carl Thomson – excused
Joe Beach	Others Present
Roger Kaas	Jennifer Schaaf, Engineer
Joyce Laux	Josh Van Lieshout, Coordinator
David Miller	Ellen Maxymek, Clerk
Jim Rath	

- 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 11, 2005. Laux second. Motion carried. Beach abstained.*

- 5) Registered citizen comments on agenda items
 - Tom Doughman, W4816 Springhill Drive, representing Sherwood Area Youth Sports Organization re agenda item 8) b). Doughman reported that SAYSO has raised \$8,500 for donation to the Village to purchase play equipment for Wannick Park. If funds remain after purchasing a covered slide, play panel and U-bounce unit, Doughman recommended that a swing set or spring equipment be purchased.

- 6) Consent Agenda
 - a) Operators License Application
 - i) Nicole VanHaren – *Kaas moved to approve. Laux second. Motion carried.*
 - ii) Danielle Strezelecki – *Barribeau moved to approve. Laux second. Motion carried.*
 - iii) Shaunna Thomma – *Barribeau moved to disapprove. Kaas second. Motion carried.*
 - iv) John P. Burke – *Barribeau moved to approve. Laux second. Motion carried.*
 - v) Tamie Koziczkowski – *Barribeau moved to approve. Laux second. Motion carried.*
 - vi) Amanda R. White – *Barribeau moved to table requesting the appearance of applicant at the next meeting. Kaas second. Motion carried.*

- 7) Report of the Utility Commission
 - 1) Action Items – *Laux moved to approve action items a) through d). Kaas second. Motion carried.*
 - a) Commissioners moved to approve the preliminary schedule of assessments proposed by McMahan Associates, Inc for the water main extension to properties located on Hwy 114 (near the water tower) which have annexed into the Village. Current owners of the assessable properties, A. Moehn, J. Zander, and J. Thiel, shall be assessed fifty percent of the project costs (\$40,359.38) based on frontage. Project costs for the non-assessable frontage (\$40,359.38) shall remain deferred. A public hearing is required.

 - b) Commissioners moved to approve the Engineer's Report fee schedule (\$1,000) from McMahan Associates, Inc for the design and bidding of 1,200 feet of water main.

- c) Commissioners approved a \$1,275 proposal from IntelliSys for the WWTP eDMR reporting software upgrade. All DNR reporting is now conducted via the internet.
 - d) Commissioners approved a \$1,480 proposal from Apex Electrical Solutions for a transformer replacement at Stommel Road Lift Station.
- 2) Discussion Items
- a) Village engineer stated that a third and fourth "carbon" pilot will be run for water system improvements. The engineer stated that pilot results could be available in approximately two months.
 - b) Village Coordinator stated that a Public Hearing has been scheduled for May 9, 2005 to discuss impact fees.
 - c) John Stoeger, Stoeger Associates, reported results from the flow monitoring survey of High Cliff State Park wastewater discharge. The survey, conducted at the manhole where the High Cliff State Park sanitary sewer line discharges to the Village's sewer system, was in regard to Sherwood utility operators having noted high flows from the High Cliff State Park sanitary sewer system during wet weather. Two significant flow spikes were noted, March 4 and March 6. In his correspondence to the commissioners, Stoeger indicated that the March 4 spike was not in correlation to any temperature change and it was his opinion that the spike was a result of work at the park maintenance shop. The spike on March 6th began around noon. The high temperature on that date was 51 degrees. The flows peaked at 30 gallons per minute (gpm) around 6:00 p.m. and decreased to 15 gpm by 9:00 p.m. In the correspondence, Stoeger stated that the baseline low was 1-2 gpm. Therefore, "a peak of 30 gpm during a warming period indicates that there are significant sources of I/I originating from the High Cliff State Park sanitary sewer system." The results were presented to DNR representatives at the High Cliff State Park. All of the parties were in agreement that I/I problems exist in the State Park sanitary sewer system. The DNR has agreed to seek cost estimates for remediation work. Stoeger suggested the following:
 - o Conduct post remediation flow monitoring
 - o Village representative inspect manhole sealing
 - o Village review television tapes of the sanitary lines and provide recommendations regarding piping repairs or replacement.
 - d) Village engineer will render opinion on whether or not there is a need for proposals to install an additional heater and associated electrical hardware in headworks at the WWTP and necessity. Commissioners suggested the option of air to air exchange and questioned the necessity for an additional heater.
- 8) Report of the PRUT Board – ***Barribeau moved to approve the report in full. Rath second. Motion carried.***
- a) Discussion and action to recommend completion of Wannick Park playing field improvements – Recommended that Public Works personnel haul dirt and fill in low spots on the fields in late August, spreading and preparing the dirt. SAYSO volunteers

will mark the low spots in advance of infilling and will spread grass seed in September for fall germination.

- b) Discussion and possible action regarding play equipment selection at Wannick Park – Recommended purchase of Playworld Systems equipment suitable for tots ages 2-5 years. Challengers 350-0201 cabana roofed slide with three play panels and U-bounce was priced at \$6,861 in their 2004 catalogue. SAYSO representative Tom Doughman estimated donations totaling approximately \$6,000 would be made available from the youth sports group, Optimist Club, Lady Lionesses, local businesses and private parties. Further recommended that Village personnel prepare the site for equipment placement using a recommended sub-stratum of bark mulch. ***Barribeau moved to approve the recommendation. Miller second. Motion carried.***
 - c) Discussion regarding development of a policy governing use of the parks and park facilities (Referred from Village Board) – Recommended an increase in facility deposit from \$25 to \$50 for use of all Village facilities, including Community Center, Recreation Center and park facilities. Use fees should remain at \$35 for residents and \$75 for non-residents and applied for reserved use of facilities including pavilions and sport fields. Application for fee waiver for bona-fide non-profit groups, particularly local youth activities should continue to be addressed to the Village Board. It was suggested that the Village Constable be given a roster of scheduled use and be employed to check condition of facilities especially when more than 1 user per day or weekend are scheduled. If facilities are not cleaned and secured according to agreement Public Works personnel could be called in by the Constable and the deposit would be retained to cover cost.
 - d) Discussion and action regarding Official Trail Map Amendments (Referred from Village Board April 11, 2005) – After hearing input from potentially affected residents, recommended that a planned trail in back of Golf Course Road properties and running parallel to the 13th fairway should be eliminated from the Official Trail Map as should any trail along/on Golf Course Road.
- 9) Report of Village Officers
- a) President
 - i) Lynn Peters, Fox Cities Visitors and Convention Bureau – Peters was not present.
 - b) Clerk/Treasurer
 - i) Review of disbursement report – Report was reviewed. Laux suggested that the Treasurer check into applying for a bank card through Calumet County Bank.
- 10) Village Coordinator
- a) Complaints and Compliments – Van Lieshout reported receiving a complaint about open burning which creates a nuisance when smoke gets into homes. Complainant believes a burning permit should be required. It was the consensus of the Board that a permitting process would be burdensome but burning in unsafe conditions or sending smoke into neighboring properties is in violation of present ordinance and should be cited.
 - b) Consideration and action to approve final cross section for Stommel Road from Wells 5&6 north to Village limits – Village Engineer Schaaf stated that a trail, if constructed in

the road right-of-way of Stommel Road, would require an urban section of reconstruction. Considerable cost would be incurred if one side of the road was urbanized now and the other side postponed. Development of the Hopfensperger property (north of Mustang Acres, west of State Park Estates) will necessitate extension of a storm sewer pipe from the current stub, which is approximately 150 feet south of Mustang Drive at Stommel Road, to transport storm water from the Hopfensperger development to Mustang Pond. Beach initiated discussion regarding the width of Stommel Road and whether an urbanized section would accommodate a parking lane. Following discussion of alternatives, **Barribeau moved to construct an urbanized road section on both sides of Stommel Road beginning at the Well 5&6 south lot line; continuing north to a point collinear with the Village boundary south of the north line of Section 30. Further moved to construct a behind the curb trail starting at its intersection with the Miller Detention Pond Trail; running north in the west right-of-way of Stommel Road; crossing at Cliffview Drive to the east right-of-way of Stommel Road; intersecting with the Mustang Pond Trail; then continuing north to the boundary of the Village south of the north line of Section 30. Miller seconded the motion. On a call of the roll, Barribeau, Beach, Kaas, Laux, Miller and Rath voted in favor. No votes were cast against. Motion carried.**

- c) Consideration and action to approve an ordinance regulating large gatherings – Van Lieshout reported that a public hearing is scheduled on May 9, 2005. A second reading of the ordinance and possible action will follow.
- d) Consideration and action to approve an agreement for services for the design, bidding and construction phase services for the 2005 Asphalt Paving Program in the amount of \$8,500 – **Kaas moved to approve the agreement for design, bidding and construction phase services for the 2005 Asphalt Paving Program in the amount of \$8,500 with McMahon Associates, Inc. Laux second. Motion carried.**
- e) Consideration and action to approve the 2005 Village Administrative Office Remodeling budget – Van Lieshout presented a financing plan for the office remodeling project that included expending general government designated fund balance in the amount of \$5,880 in addition to undesignated fund balance of \$5,245. Amounts totaling \$29, 231 will be reallocated from the current budget for a total of \$40,356 earmarked for the project. **Miller moved to approve the budget plan. Laux second. Motion carried.**
- f) Consideration and action to approve an agreement for services for remodeling and expansion of existing Village Offices in the amount of \$3,500 – **Kaas moved to approve an agreement for professional services with Miller, Wagner, Coenen/McMahon, Inc. in the amount of \$3,500 for final design, bidding and construction project services. Laux second.** Rath requested that the Focus on Energy Program be asked to review the designs and construction documents when completed for cost efficiencies. **Motion carried.**
- g) Consideration and action to approve \$2,886 for restoration along the Cemetery to Pigeon Road Trail segment – **Barribeau moved to approve the expenditure of \$2,886 for restoration along the Cemetery to Pigeon Road Trail segment. Rath second. Motion carried.**

11) Presentation of correspondence, resolutions, and related matters

- Miller reported a complaint because trash containers were placed on the Mustang Acres trail.
- Barribeau reported a complaint from First Responders volunteers that emergency number signs continue to be mounted incorrectly and that the Responders had difficulty finding an accident site recently on Military Road.
- Barribeau reminded the Coordinator to stripe No Parking lines in vicinity of boat landing when road maintenance is done this year.
- Beach asked that curbs near fire hydrants be painted to warn of No Parking
- After limited discussion it was the consensus of the Board not to turn on the water in unheated park restrooms until danger of freeze is past.
- Laux asked if there was a complaint of a contractor pumping water onto Golf Course property. Van Lieshout responded that he talked to Lakeshore Estates LTD development personnel relative to this incident and notified them that this drainage should not occur again. However, Van Lieshout noted, at base this incident is a dispute between neighbors and the Village does not have jurisdiction in these matters.
- Beach questioned whether there has been further discussion regarding expanding the enclosed area of Wannick Pavilion, asking for plans and location for equipment storage.

12) Adjournment – ***Barribeau moved to adjourn at 8:09 p.m. Kaas second. Motion carried.***

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

Village Board Organizational Meeting Agenda
Monday, April 25, 2005 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) Official Publications –
 - b) Weed Commissioner –
- 7) Elected by Village Board
 - a) Plan Commission/Trustee Member – 1 Year term ending April 2006 – Bill Barribeau
 - b) PRUT Board/Trustee Member – 1 year term ending April 2006 – Carl Thomson
- 8) Appointed by Village President/Confirmed by Village Board
 - a) Plan Commission/Citizen Member – 3 year term ending April 2008 – Tom Boll
 - b) Community Development Authority/Member of Governing Body Concurrent with term of office – 2 year term ending April 2007 – David Miller
 - c) Community Development Authority/Citizen Member – 4 year term of office ending April 2009 – Tom Boll
 - d) Community Development Authority/Citizen Member – 4 year term of office ending April 2009 – Joe Hennlich
 - e) PRUT Board/Citizen Member – 3 year term ending April 2008 – Tom Jack
 - f) PRUT Board/Citizen Member – 3 year term ending April 2008 – Frank Kirschling
 - g) Board of Appeals/Citizen Member – 3 year term ending April 2008 – David Clifton
 - h) Board of Appeals/Citizen Member – 3 year term ending April 2008 – Gary Flak
 - i) Board of Appeals/Alternate #1 – 3 year term ending 2006 – Vacant
 - j) Board of Appeals/Alternate #2 – 3 year term ending 2007 – Vacant
- 9) Presentation of correspondence, resolutions, and related matters
 - a) Consideration/Action relative to expending budgeted funds for the purchase of commemorative shirts
- 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.

- c) Community Development Authority/Citizen Member – ***Barribeau moved to appoint Tom Boll for a four-year term ending April 2009. Kaas second. Motion carried with Beach opposed.***
 - d) Community Development Authority/Citizen Member – ***Barribeau moved to appoint Joe Hennlich to a four-year term ending April 2009. Kaas second. Motion carried. Laux and Beach opposed.***
 - e) PRUT Board/Citizen Member – ***Barribeau moved to appoint Tom Jack to a three-year term ending April 2008. Miller second. Motion carried unanimously.***
 - f) PRUT Board/Citizen Member – ***Barribeau moved to appoint Frank Kirschling to a three-year term ending April 2008 provided his willingness to serve. Miller second. Motion carried unanimously.***
 - g) Board of Appeals/Citizen Member – ***Barribeau moved to appoint David Clifton to a three-year term ending April 2008 provide his willingness to serve. Laux second. Motion carried unanimously.***
 - h) Board of Appeals/Citizen Member – ***Beach moved to appoint Gary Flak to a three-year term ending April 2008. Barribeau second. Motion carried unanimously.***
 - i) Board of Appeals/Alternate #1 – 3 year term ending 2006 – Vacant
 - j) Board of Appeals/Alternate #2 – 3 year term ending 2007 – Vacant
- 9) Presentation of correspondence, resolutions, and related matters
- a) Consideration/Action relative to expending budgeted funds for the purchase of commemorative shirts – Consensus approval to order apparel. Rath volunteered to contact City of Manitowoc regarding their volunteer recognition efforts.
- 10) Adjournment – ***Barribeau moved to adjourn at 8:46 p.m. Miller second. Motion carried.***

Minutes respectfully presented for approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes May 9, 2005

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

Roll call: **Present**

Bill Barribeau
Joe Beach
Roger Kaas
Joyce Laux
Jim Rath
David Miller
Carl Thomson

Others Present

Richard Carlson, Attorney
Jennifer Schaaf, Engineer
Amy Vaclavik, Engineer
Josh Van Lieshout, Coordinator
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 April 25, 2005. Kaas second.*** Beach requested change to page 5, 11) final paragraph ... Beach questioned whether there has been further discussion regarding expanding the enclosed area of Wannick Pavilion, ~~to incorporate kitchen facility~~ asking for plans and location for equipment storage. ***Motion carried with noted change.***

- 5) Registered citizen comments on agenda items

- Amanda White, N324 Fieldside Ln., Appleton, re. agenda item 6) a) i).
- Alan and Marilyn Kilian, N7980 Mustang Drive, re. agenda item 11) e).
- Warren Schneider, N7759 Palisades Trail, re. agenda item 11) d).

- 6) Consent Agenda

- a) Operators License

- i) Amanda White – White appeared at the request of trustees regarding a 2003 traffic offense and underage drinking and driving conviction reported on her application for an operator’s license. She stated that she has learned a great deal from the consequences of her mistake. She is now licensed to serve alcohol in two other municipalities and is employed in two establishments as well as being a full-time college student. Miller moved to take up the motion tabled at the previous meeting. Kaas second. Carried. Motion by Barribeau to deny issuance of operator’s license. Kaas second. Motion failed. Motion to approve license issuance by Miller. Kaas second. Motion carried.***

- ii) Samantha Hilker – Barribeau moved to approve operator’s license. Kaas second. Motion carried.***

- iii) Starr Busse – Motion by Barribeau to deny operator’s license. Thomson second. Motion carried.***

iv) Amy Breckheimer – *Barribeau moved to approve operator’s license. Kaas second. Motion carried.*

7) PUBLIC HEARING: ORDINANCE NO. 05-90, An ordinance establishing a development impact fee for the Village of Sherwood.

- Randy Moore, Best Builders, Inc. Menasha, stated he is generally concerned about the negative effect on building in Sherwood that the impact fees ordinance will have. Moore reportedly has 7 lots in inventory and calculates loss of profit margin at \$30,000.
- Steve Pfile, Pfile Homes, Sherwood, stated that the ordinance, if adopted, will have a great negative impact on sales at a time when sales of new home construction are already low. Pfile believes that future improvements can be financed in another way.
- Florian Schmidt, W425 Margaret Court, inquired about the total costs of building permits and whether or not \$ 4,000 impact fee is in addition to other building permit costs. Van Lieshout responded in the affirmative stating that single dwelling building permit related fees, excluding refundable bonds, total \$1,043 without culvert permit, bringing the total due before issuance of a building permit to \$5,043. In the case of units with a culvert, permit costs are \$201 additional.
- Ken Kress, N504 Military Road, was present but made no comment.

Following three calls for public comment President Miller announced hearing closed at 6:58 p.m.

8) PUBLIC HEARING: ORDINANCE NO. 05-91, An ordinance establishing standards and permit requirements for special events.

After three call for public comment, and hearing none, President Miller announced the hearing closed at 6:59 p.m.

9) Report of the Plan Commission

1) Action Items

- a. Consideration and action to approve a certified survey map creating two lots and a zero lot line duplex on lot 23 Nature Haven Estates – Recommended approval of a certified survey map creating two lots and a zero lot line duplex on lot 23 Nature Haven Estates contingent on the Village being provided evidence that zero lot line restrictions have been recorded on warranty deed – *Barribeau moved to table until zero lot line restrictions are attached to the CSM. Miller second. Motion carried.*
- b. Consideration and action to approve revising the Village of Sherwood Road Paving Policy – Recommended revising the Village road paving policy to install the binder course and surface course of asphalt and curb and gutter during the construction season following adoption of the annual budget in the preceding year. Road construction will be budgeted when the development rate of the properties adjacent to the subject street is at least 65% developed – Van Lieshout explained that the policy change will save the cost of damage to the 2” lower

course of asphalt as well as the substantial cost to replace damaged sections of curb and gutter. In addition double engineering and project bidding expenses can be saved. Beach asked how property owners will know final curb height for the purpose of pouring driveways and landscape infilling. Engineer Schaaf stated that final curb heights are a fixed number of inches above gravel road grades. Van Lieshout stated that developer will be required, as they are now, to verify grade heights to plan specifications. Kaas asked if utility installations cause damage to curb and gutters. Van Lieshout responded that stubbed in laterals are thoroughly settled in before curb and gutter installation. ***Laux moved to approve the policy revision, to take effect following approval of the 2006 budget. Thomson second. Motion carried unanimously.***

2) For Information Only

- a. Schedule July Plan Commission Meeting – Meeting scheduled on July 5, 2005 at place to be decided.

10) Report of Village Officers

- a) President – Miller stated that an appointment to the Board of Appeals will be agendized for action at the next meeting.
- b) Clerk/Treasurer
 - i) Review of disbursement – Reports reviewed.

11) Village Coordinator

- a) Complaints and Compliments
 - Barb Jack, on behalf of First Responders, Calumet County Sheriff Department, and Gold Cross Ambulance, complained that the Village needs to enforce location requirements for emergency numbering signs. Jack stated that recent emergency response times could have been shortened if proper sign placement procedures were followed.
- b) Consideration and action to adopt Ordinance 05-90, establishing a development impact fee for the Village of Sherwood – Van Lieshout stated the need to establish funding resources other than through increases in property taxes or utility rates for future capital construction, expansion, and improvement of public facilities as threshold population levels are reached or threshold territorial areas are developed. Impact fees such as those under consideration at this time will fund a fraction of the capital costs outlined in the Public Facilities Needs Assessment which was adopted by Resolution 05-03 of the Village Board on February 28, 2005. Kaas stated that impact fees are not meant to fund costs associated with current infrastructure; also stating that the Utility Commission believes existing customers should not have to bear the brunt of higher fees to support new growth, particularly in view of the high cost of existing rates.

Addressing a question of availability of grant program revenues, Engineer Vaclavik reported that grants for partial offset of costs are extremely difficult to obtain. Even low cost loans would generally be unavailable for systems rated as high as those in the Village. This has been previously established by availability inquiries. Vaclavik noted that these impact fees, \$2,500 for water and \$1,500 for sewer system impact per 5/8 or

3/4 inch meter could be adjusted periodically up to the maximum calculated amount as referenced in the Methodology for Calculation of Water System Impact Fees & Wastewater System Connection Fees document supplemental to the facilities needs assessment.

Kaas moved to adopt Ordinance 05-90, An Ordinance Establishing a Development Impact Fee for the Village of Sherwood. Laux second. Miller stated that in view of comments heard during public hearing, it may be prudent to delay the effective date of the ordinance. Kaas moved to amend the original motion to specify an effective date of June 1, 2005. Laux second. On call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, and Thomson voted in favor. No votes against. No abstentions. Amendment to the motion carried unanimously. Kaas moved to amend the ordinance renumbering section 3.2, 1 as section 3.1, 4. Miller second. On call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, and Thomson voted in favor. No votes against. No abstentions. Amendment to the motion carried unanimously. As to the main motion, on call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, and Thomson voted in favor. No votes against. No abstentions. The main motion carried unanimously.

- c) Consideration and action to adopt Ordinance 05-91, an ordinance establishing standards and permit requirements for special events – Miller stated that in light of certain negative impacts as a result of special event activities in the recent past, an ordinance establishing standards and permit requirements for special events is viewed as a tool to promote and protect public health, safety and welfare. Attorney Carlson expanded on the explanation, saying the ordinance specifies that when a special event gathering is reasonably anticipated to exceed the capacity of a localized area or structure by 50 percent or 250 persons a permit will be required for each day and location or venue of the event. Permit requirements will assure that these events will be equipped with facilities and conditions designed to protect the public. A permit review fee of \$250 and cash or surety bond in the amount of \$5,000 will be required. Violations will be subject to a forfeiture of \$1,000 to \$5,000. ***Miller moved to adopt Ordinance 05-91, an ordinance establishing standards and permit requirements for special events. Thomson second. On call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, and Thomson voted in favor. No votes against. No abstentions. Motion carried.***
- d) Consideration and action regarding a request from Warren Schneider to waive sewer and water impact fees or sewer connection fees per a 1992 stipulation between High Cliff Resorts, Limited and Village of Sherwood – Speaking on behalf of the Utility Commission, Van Lieshout stated that it may be appropriate to waive all or a portion of the Villages sewer connection fee of \$500. Attorney Carlson noted that the impact fees legislation was concerned with funding future new capital projects not the lift station project constructed years ago. Schneider opined that the spirit of the 1992 stipulation was to exempt The Windswept Shores development from all sewer related assessments and fees and that intent should be honored. Attorney Carlson stated that the newly adopted impact fees ordinance provided for an appeals process and that when the ordinance took effect it would be appropriate for Schneider to make an appeal to waive the fees. ***Beach moved to refer to the Utility Commission for a recommendation of waiver after calculations are made of the portions of the connection fee and the impact fee as they***

may be attributed to the Windswept Lift Station. Barribeau second. Motion carried with Kaas voting against.

- e) Review Al Killian et. al. request of April 23, 2005 – Kilian expressed thanks for prompt removal of refuse receptacles from the trail in the vicinity of their home. He asked that neighboring property owners be notified before locating structures in proximate areas.
- f) Consideration and action to approve the removal of the green storage shed and other waste – **Thomson moved to approve a proposal in the amount of \$1,450 from Joe Mader Excavating to remove the green storage shed and waste materials. Miller second. Motion carried.**
- g) Consideration and action to approve removing the outfield fence and posts at Legion Ball Diamond – **Miller moved to approve removing the outfield fence and posts at Legion Ball Diamond. Thomson second. Motion carried.**
- h) Discussion regarding former Condon Oil/Wink Mart Gas Station Property – Van Lieshout reviewed the history of contamination site investigation, work plan and compliance updates. The Coordinator was asked to gather more information about the current status of the contamination site as well as a prospectus if the Village took action to raze the building.
- i) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) – **Miller made motion at 8:57 p.m. to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Thomson second. Roll call voting in favor; Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson; against, none; abstain, none. Motion carried.**

Miller moved to return to open session at 9:17 p.m. Thomson second. Motion carried.

12) Presentation of correspondence, resolutions, and related matters

- Barribeau inquired as to the status of the Village ordinance prohibiting discharge of firearms over Lake Winnebago. Clerk Maxymek noted that in correspondence from the Department of Natural Resources earlier this year the agency asked for the legal basis by which the Village believes it has authority beyond it's legal boundary, ie. the Lake Winnebago shoreline. Attorney Carlson responded that he will review the file and report back as to status.
- Beach asked that the Village's emergency sirens be tested to determine whether they are working properly. This followed declaration of a weather related emergency on the preceding Friday.
- Barribeau reported that pending Calumet County legislation which would regulate erection of wind turbines continues to be under debate, with Corporation Counsel questioning the defensibility of portions of the ordinance particularly as it relates to

turbine placement in the vicinity of environmentally sensitive areas. The committee charged with constructing the ordinance decided to strike that section pertaining to park and wildlife areas. Maxymek reported receiving a request from Calumet County Planner Julie Heuvelman for support from municipal officials who believe it beneficial to return the ordinance language in question.

13) Adjournment – *Barribeau moved to adjourn at 9:31 p.m. Thomson second. Motion carried.*

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

Village Board Meeting Minutes May 23, 2005

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

Present	Others Present
Bill Barribeau	Jennifer Schaaf, Engineer
Joe Beach	Josh Van Lieshout, Coordinator
Roger Kaas	Ellen Maxymek, Clerk/Treasurer
Joyce Laux	
David Miller	
Jim Rath	
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 April 25 and May 9, 2005. Kaas second. Motion carried.*

- 5) Registered citizen comments on agenda items – None.

- 6) Consent Agenda
 - a) Operators License
 - i) Rebecca L. Mader – *Barribeau moved to approve. Rath second. Motion carried.*

 - ii) Catherine E. Hella – *Barribeau moved to approve. Rath second. Motion carried.*

 - iii) Ashley Mae Nettekoven – *Thomson moved to table the matter to the next meeting, asking that the applicant appear. Rath second. Motion carried.*

- 7) Report of the Utility Commission – *Beach moved to accept the report of the Utility Commission. Kaas second. Motion carried.*
 - 1) ACTION ITEMS
 - a) Commissioners moved to direct the Village utility technician to investigate the claim made by resident of N7773 Windswept Lane and credit utility account as compensation or deny claim. The claimant contends that on 5/11/2005 a truck cleaning sewer lines forced four toilets in his residence to overflow, causing splattering on walls and soaking bath rugs. The utility technician verified that our vendor was "jetting" the sewer lines on that date in that area. The resident is asking \$100 in compensation from the Village utility. Utility technician will be instructed to investigate the resident's vents for blockage. If there is blockage in the vents, the Village utility will deny claim.

 - b) Commissioners moved to recommend to the Village Board that there be no relief on impact fee for properties owned by High Cliff Resorts Limited Partnership or Warren Schneider.

 - c) Commissioners moved to approve Total Energy Systems' proposal in the amount \$7,270 to replace the fuel tank for the permanent generator at Well 5/6. The utility technician had noticed a small leak in the "old" fuel tank. At the time the leak was noticed, the "old" tank was emptied and a temporary stand-by fuel tank has been used.

- d) Commissioners moved to approve a mutual assistance agreement with Hilbert Sewer and Water Utilities.
- e) Commissioners moved to approve the 2004 Consumer Confidence Report.

2) DISCUSSION ITEMS

- a) Mike Verkuylen, W4928 Spring Hill Dr, has purchased 17 plus acres located in the Town of Harrison, east of the Sherwood water tower. Verkuylen is requesting the following:
 - o water and sewer service to the property from the Sherwood utilities
 - o ingress/egress easement of the Sherwood water tower maintenance road as main entrance to their property

Verkuylen explained that he would asphalt and maintain the road and be willing to install a remote operated gate at the entrance, if granted easement. Concerns expressed by the commissioners were security issues for the Sherwood water tower if the easement is granted, and future public street access. Van Lieshout will review the land use plan. Commissioners also questioned whether or not Verkuylen had spoken to the County/State regarding alternative entrance to the property. Verkuylen stated that, currently, there is an existing road to the property which abuts the Sacred Heart cemetery. Commissioners explained to Verkuylen that the first step would be to annex the property into the Village of Sherwood before discussion of water and sewer will proceed. Verkuylen scheduled meeting for Tuesday, May 17, 2005, with Coordinator to discuss annexation process.

Laux stated she would not be in favor of sharing road access.

8) Report of the Plan Commission

- a) Consideration and action to approve a zero lot line subdivision, creating a two lot CSM on Lot 23 Nature Haven Estates (tabled May 9, 2005, pending review of the restrictive covenants) ***Kaas moved to remove from the table. Miller second. Motion carried.*** Van Lieshout reported that zero lot line restrictive covenants were received and will be recorded with the CSM. ***Kaas moved to approve a zero lot line subdivision, creating a two lot CSM on Lot 23 Nature Haven Estates. Miller second. Motion carried.***

9) Report of Village Officers

- a) President
 - i) Appoint and confirm Board of Appeals member – ***Barribeau moved to approve the appointment of Corey Stumpf to the Board of Appeals. Rath second. Motion carried.***
- b) Clerk/Treasurer
 - i) Review of disbursement and financial reports – Reports reviewed.

10) Village Coordinator

- a) Complaints and Compliments – Van Lieshout reported that a resident verbalized concern regarding the safety of a neighbor's swimming pool.

Discussion regarding Pigeon Road curbing and cost – Engineer Schaaf explained that urbanizing the east side of Pigeon Road is more complex and costly than previously contemplated. It will be necessary to mill off and replace a large quantity of asphalt before constructing concrete curb and gutter in addition to construction of a storm sewer

system. Offsetting the unbudgeted expense, however, will be the budgeted amount for reconstruction of Golf Course Road, which will remain unspent due to cancellation of that project. After discussion, ***Barribeau moved to proceed with a project to urbanize and reconstruct the east side of Pigeon Road. Thomson second. On a call of roll Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. None against. Motion carried unanimously.***

- b) Discussion regarding former Condon Oil/Wink Mart Gas Station Property – Van Lieshout introduced materials forwarded from Lisa Evenson, Department of Natural Resources, relative to the upcoming closure of the case file on the Condon Oil/Wink Mart Gas Station contamination site. The contaminating substances appear to have been Methyl Tertiary Butyl Ether and gasoline. Contamination has been remediated to a point that the site will be opened for activity in the next three months. The DNR is likely to place restrictions on uses of the property. They could, for instance, require that an impermeable surface cover the contamination. Van Lieshout plans to meet with the project manager and consult with the Village Attorney in follow-up.

DNR fact sheet and other information were provided which elaborate on liability protection for local government and economic development corporations. Local government units are exempted from liability under Wisconsin's spill law, and are encouraged to redevelop property, depending on how the property was acquired and unless the contamination is caused by action of the municipality or failure to prevent additional contamination.

- c) Consideration and action to approve the Village Trails Map – Action will be considered at a subsequent meeting after revision of the map removing a trail loop in the vicinity of Knight Drive and correctly mapping the Stommel Road Trail crossing Stommel at the Cliffview Drive intersection and continuing in the right-of-way on the east side of Stommel Road.
- d) Consideration and action to accept the street and stormwater improvements in the plat of State Park Estates IV, contingent upon favorable recommendation from the Village Engineer – ***Beach moved to accept the street and storm water improvements in the plat of State Park Estates IV, based on the satisfactory recommendation from the Village Engineer. Miller second. Motion carried.***
- e) 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 made motion to move into closed session at 8:03 p.m. per State Statute 19.85 (1)(e) as stated. Thomson second. Upon roll call Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. None against. Motion carried.

Beach moved to return to open session at 8:21 p.m. Thomson second. Motion carried.

11) Presentation of correspondence, resolutions, and related matters

- Miller noted that a streetlight at the corner of Springhill and Cliffwood Drives is continuously on. Rath reported that the disrepair is caused by failure of a light sensor but that usage is not billed to the Village.
- Miller read correspondence from Ben and Lynn Kroll thanking the Village for allowing them to use chain link fence which the Village intended to dispose of. A donation in the amount of \$50.00 to be used for park purposes accompanied the letter.
- Laux inquired whether any information was available regarding relocation of the Sherwood Post Office. Miller responded that he continues to pursue the matter.
- Responding to a question from Beach, Van Lieshout said that the Calumet County should have completed testing of the emergency sirens in Sherwood. Miller reported that the Saturday “noon whistle” sounded loud and clear.
- Van Lieshout reported that correspondence intended to be included as testimony in Calumet County hearings relating to Chapter 11, Windtowers, an amendment of the Calumet County Code. Barribeau, who chairs the County committee hearing testimony, said he would see to it that the Village letter was made part of the record.

12) Adjournment – ***Thomson moved to adjourn at 8:24 p.m. Barribeau second. Motion carried.***

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

Village Board Meeting Notice and Agenda
June 13, 2005

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:31 p.m. Roll called:
- | Present | Others Present |
|----------------------|--------------------------------|
| Bill Barribeau | Jennifer Schaaf, Engineer |
| Joe Beach | Josh Van Lieshout, Coordinator |
| Roger Kaas | Ellen Maxymek, Clerk/Treasurer |
| Joyce Laux | |
| David Miller | |
| Jim Rath – arr. 6:37 | |
| 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 May 23, 2005. Laux second. Beach called attention to incomplete recording of motions in item 7) and 8)a) and a misspelled name in item 11) para. 4. Motion carried with corrections.*
- 5) Registered citizen comments on agenda items
- Warren Schneider, N7759 Palisades Trail, re. agenda item 9) b),
 - Chris and Allen Eldred, N7619 Lower Cliff Road, re. agenda item 7).
- 6) Consent Agenda
- a) Operator’s License
- i) Ashley M. Nettekoven (Tabled May 23, 2005) – *Miller moved to untable. Rath second. Motion carried. Miller moved to deny the operator’s license. Rath second. Motion carried.*
- ii) Rebecca L. Mader – *Barribeau moved to approve. Rath second. Motion carried. Beach abstained.*
- iii) Lisa Harvey – *Barribeau moved to approve. Rath second. Motion carried.*
- iv) Dana Harvey – *Barribeau moved to deny. Rath second. Motion carried.*
- v) Betsy K. Brooks – *Barribeau moved to approve. Rath second. Motion carried.*
- vi) Lyssa Beyer – *Barribeau moved to approve. Rath second. Motion carried.*
- vii) Kathleen A. Kesler – *Barribeau moved to approve. Rath second. Motion carried.*
- viii) Erin E. Ross – *Barribeau moved to approve. Rath second. Motion carried.*
- ix) Maria Huneycutt – *Barribeau moved to deny. Thomson second. Motion carried.*
- x) Janice M. Marx – *Barribeau moved to approve. Rath second. Motion carried.*
- xi) Rita T. Ciha – *Barribeau moved to approve. Rath second. Motion carried.*
- xii) Valerie Mader – *Barribeau moved to deny. Beach second. Motion carried.*
- b) Alcohol Beverage License Approval
- i) Renewal Alcohol Beverage – *Barribeau moved to approve all alcohol beverage licenses. Laux second. Motion carried.*
- (1) Class A Malt Beverage, Liquor & Wine
- (a) Condon Oil Co., Inc., dba Sherwood Mobil Mart, Kraig Bauman, Agent

- (2) Class B Malt Beverage
 - (a) High Cliff Golf Course, Inc., Steve Bloemer, Agent
 - (3) Class B Beverage, Liquor & Wine, Malt Beverage
 - (a) Holz-in-One, Inc., dba Sherwood Forest Country Club, Gregg S. Holz, Agent
 - (b) Jean M. Spranger, dba Jeanne's
 - (c) Schabow's Granary, LLC, dba The Granary, Wanda Schabow, Agent
 - (d) The Cliffs of Sherwood, Ltd., dba High Cliff Restaurant, Douglas R. Schneider, Agent
 - (e) Crabby Julie's Bar & Grill, LLC., Julie Ann Roovers, Agent
 - c) Tobacco Products
 - i) Renewal Tobacco Products – ***Barribeau moved to approve all tobacco products licenses. Rath second. Motion carried.***
 - (1) Condon Oil Co., Inc., dba Sherwood Mobil Mart, Kraig Bauman, Agent
 - (2) Crabby Julie's Bar & Grill LLC, Julie Roovers, Agent
 - (3) Jean M. Spranger, dba Jeanne's
 - (4) High Cliff Golf Course, Inc.
- 7) Report of the Plan Commission
- 1) Action Items
 - a) Consideration and action to approve a certified survey map located in part of Government Lot 2 of Fractional Section 25 and Part of Government Lot 1 of Fractional Section 36, Township 20 North, Range 18 East, Village of Sherwood creating a two lot certified survey map – Recommended approval of the certified survey map creating two lots – ***Barribeau moved to approve the certified survey map creating a two lot certified survey map. Miller second. Motion carried.***
 - b) Consideration and action to approve a concept plan for the Ralph Hopfensperger property located in the SW1/4 of Section 19 and the NW 1/4 of Section 30 Town 20 North Range 19 East – Recommended approval of concept plan “B” with notations as follows:
 - An east-west road corridor will intersect with Stommel Road on the west, connect to Nature Lane, and intersect with Lakebreeze Drive on the east. An unnamed road will end at the north edge of the subdivision where it meets the western portion of wooded and wetland property to the north – Discussion was initiated by Beach as to whether the east west road corridor should be built to collector street specification.
 - A trail in the right-of-way on the east side of Stommel Road and continuing to the edge of the plat is preferred. Trailway would also be sited along the south right-of-way of the east-west through road and continued along the back of lots 24, 25, and 26 to the northeast edge of the plat – Van Lieshout reported that there is unfortunately no design opportunity to link a trail in the Hopfensperger plat to the State Park Estates trail.
 - Subdivision green space is not included in the concept plan.

- A developer's agreement authored by the Village will detail other terms including trail construction and payment.

Barribeau moved to approve the Hopfensperger plat concept plan with the noted recommendations by the Plan Commission. Rath second. Motion carried. Beach opposed.

2) For information only

- a) Review correspondence pertinent to development and annexation concerns along Stommel Road – Reviewed correspondence and addressed the following points:

- As to the reported incidence of wells drying up, it is probable that the age and insufficient depth of the well is the likely cause of well failures. The Utility has cited the location and development of alternative water sources as priority issues in capital planning.
- The odor in the Stommel Road area is probably the result of hydrogen sulfides in the water treatment process at the well site.
- Pigeon Road, not Stommel, is the designated access to High Cliff State Park. Both roads are posted 25 mph within the Village limits. Enforcement is the primary deterrent to excessive speeds.

8) Report of Village Officers

- a) Review of financial reports – Reports reviewed.

9) Village Coordinator

- a) Complaints and Compliments

- Resident complained that strong, heavy blasting at the J & E Quarry is violently shaking household items and causing foundation disturbance. Also complained of uncut weeds at a Military Road property.
- Resident complaint regarding barking dogs disrupting the living standard.
- Resident complained she was being singled out for enforcement of emergency numbering system ordinance.

- b) Review and possible action on appeal by Warren Schneider from Ordinance 05-90 Impact Fees – Schneider stated his belief that a 1992 court stipulation, which specified that “no additional assessment for the lift station improvements will be levied against this additional property in the future” referencing property owned by High Cliff Resorts, Ltd. on the north frontage of State Park Road, included impact fees for future improvements to the Windswept Lane lift station which services undeveloped Lot 178 and Lot 2 of CSM 2779 [formerly Lot 181] in the Windswept Shores II subdivision. Therefore, he continued, the \$805. waste water connection fee per dwelling unit planned to fund upgrades to force mains and lift stations #3, 4, and 5 should be excluded from impact fee to be collected before development of Lot 178 and Lot 2 of CSM 2779.

Van Lieshout referenced his memo of June 9, 2005 regarding Schneider's request to waive impact fees, saying that the court stipulation narrowly defined the special assessments for lift station improvements made prior to December 10, 1991. The impact fees are meant to fund future lift station and force main improvements and upgrades.

Following discussion ***Barribeau moved and Thomson seconded to suspend Rule 5)c) of the Rules of the Village Board which restricts reintroduction of agenda items in less than 30 days of prior action. Motion carried. Barribeau moved to waive \$805., a portion of the sewer impact fees on Lot 178 and Lot 2 of CSM 2779 in the Windswept Shores II subdivision. Miller second. In a roll call vote Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***

- c) Consideration and action to approve the Village Trails Map – ***Miller moved to approve the official trail map. Thomson second. Motion carried.***
 - d) Consideration and action to approve Resolution 2005-05 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703(1)(b) Police Powers As Amended – ***Miller moved to approve Resolution 2005-05 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers. Beach second. Motion carried.***
 - e) Discussion on future inclusions in the Village newsletter – The trustees concluded that the priority when preparing the newsletter should continue to be Village business. They agreed that articles from private business should not be accepted and that information from non-profit organizations will be edited to fit space remaining. If non-profit groups want to disseminate lengthy information it can be included as a flyer insert and the cost will be billed back to the organization.
 - 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 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. Barribeau second. On a call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***
 - ***Miller moved to return to open session at 9:05 p.m. Kass second. Motion carried.***
- 10) Presentation of correspondence, resolutions, and related matters
- Van Lieshout reported on inoperative emergency sirens and pending system repairs.
 - Barribeau requested a status report on the standing of the ordinance regulating discharge of firearms over Lake Winnebago.

- Barribeau questioned the sudden appearance of a stop sign on State Park Road. Van Lieshout will look into the matter.
- Barribeau reported that a drainage culvert at Harbor Court and Lakeshore Lane was blocked.
- Laux inquired on the status of the downtown traffic study. Van Lieshout reported that the report will be coming in about a week.
- Van Lieshout responded to an inquiry by Laux, reporting that the Village zoning ordinance regulates the storage of vehicles within the Village.

11) Adjournment – ***Beach moved to adjourn at 9:19 p.m. Barribeau second. Motion carried.***

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

Village Board Meeting Minutes June 27, 2005

- 1) Call to Order and Roll Call – Clerk Maxymek called the meeting to order at 6:35 p.m. Roll called:
- | Present | Absent |
|-----------------------------|--------------------------------|
| Joe Beach | Bill Barribeau – excused |
| Roger Kaas | David Miller – excused |
| Joyce Laux – arr. 7:06 p.m. | Others Present |
| Jim Rath | Jennifer Schaaf, Engineer |
| Carl Thomson | Lee Reibold, Engineer |
| | Josh Van Lieshout, Coordinator |
| | Ellen Maxymek, Clerk/Treasurer |

Thomson moved appoint Trustee Beach as temporary chairperson. Rath second. Motion carried.

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Thomson moved to approve the agenda. Kaas second. Motion carried.*
- 4) Approval of Minutes – *Thomson moved to approve the minutes of June 13, 2005. Rath second. Motion carried.*
- 5) Registered citizen comments on agenda items
- Maria Huneycutt, W4788 Carney Rd., Hilbert, regarding agenda item 7) a) ii)
 - Brian Nettekoven, W4255 Schaefer Rd., Menasha, re. agenda item 7) a) ii)
 - Dave Petrie, N7986 Stommel Rd., on behalf of the Calumet County Fair Board, invited Village of Sherwood to enter a booth at the County Fair next year during its 150th anniversary.
- 6) PUBLIC HEARING: 2005 Asphalt Street Paving Special Assessments
- Joe & Jean Sell, N7915 State Park Road, stated they have a written agreement of purchase pertinent to the purchase of the lot upon which their home was built. The agreement stipulates that they would be subject to special assessment for a finish layer of asphalt only. The base layer of the road, installed by the developer, was subsequently removed and replaced by the Village and was special assessed to the abutting property owners. They object to being assessed for a second time and believe if the developer installed road was deficient the original contractor should have been held responsible. Furthermore the portion of initial road surface abutting his property had not failed but was replaced.

In response, Engineer Riebold reported that the base layer of asphalt installed by the developer was replaced because of settling of backfill in utility trenches rather than due to pavement failure. Coordinator Van Lieshout further explained that the Village is not a party to nor does it have oversight over agreements between sellers or purchasers of property.

- Dave Petrie, developer of Mustang Acres, stated that two lots which were listed on the assessment roll were sold to subsequent owners.

Van Lieshout called attention to changes of listed property owners in the assessment roll including those mentioned by Petrie.

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

7) Consent Agenda

a) Operator's License

i) Corry Gossen – ***Rath moved to approve the operator's license. Kaas second. Motion carried.***

ii) Maria Hunycutt – Hunycutt explained that she was cited for serving a minor in a sting operation which took place on a very busy work night. The minor looked much older, she said, but was in fact two months under age 21. Hunycutt also explained that a domestic battery charge ended in a deferred prosecution agreement which is nearly completed and that the record will be expunged when the agreement is completed. ***Rath moved to approve the operator's license. Kaas second. Motion carried.***

b) Alcohol Beverage License Approval

c) Renewal Alcohol Beverage – ***Kaas moved to approve renewal alcohol beverage licenses numbered 1), 2), 3). Thomson second. Motion carried.***

(1) Class A Malt Beverage, Liquor & Wine

(a) T.J.'s Foods Ltd. of Sherwood, Anthony Mueller, Agent

(2) Class B Malt Beverage

(a) Bradley's Sherwood Family Restaurant LLC, DBA Bradley's of Sherwood, Brad Busse, Agent

(3) Class B Malt Beverage, Liquor & Wine

(a) The Outpost Pub and Provisions, LLC, DBA The Outpost, Molly Nettekoven, Agent

(b) Duncliffs, Inc., DBA Shenanigan's, Rick Dunnum, Agent

d) Tobacco Products Retail Outlet License

i) Renewal Tobacco Products – ***Thomson moved to approve renewal tobacco products licenses numbered 1) and 2). Laux second. Motion carried.***

(1) T.J.'s Foods Ltd. of Sherwood, Anthony Miller, Agent

(2) The Outpost, Molly Nettekoven, Agent

8) Report of the Utility Commission – ***Laux moved to approve the report of the Utility Commission. Kaas second. Motion carried.***

- a) Consideration and action to pass Resolution 2005-06, A Resolution Reviewing and Approving the Village of Sherwood 2004 Compliance Maintenance Annual Report – ***Kaas moved to adopt Resolution 2005-06. Rath second. Motion carried.***

1) ACTION ITEMS

- a. Commissioners approved Resolution 2005-06 for the Village of Sherwood 2004 Compliance Maintenance Annual Report with revision/reviews to Financial Management section, #6 (Future Planning) change to "yes," #5 (Replacement Funds reviewed/revised) indicate 1-2 years ago (0 points) and with the condition to review # 3 (User Charge last reviewed/revised) indicate 1-2 years ago (0 points) in October during 2006 budget discussions .
- b. Commissioners tabled action for the acquisition of a spare sewage lift pump for the Main Lift Station from L.W. Allen, Inc. Village engineer suggested that the Sherwood utilities contact Crane Engineering to determine whether or not they could deliver a spare sewage lift pump in a timely manner, if needed. Commissioners request the Village engineer to provide risk information in regard to the Village not having a spare sewage lift pump on hand.
- c. Commissioners tabled action of proposal from Apex Electrical Solutions for the relocation of an electrical conduit serving Well #6. Commissioners suggested delaying the proposed project until such time that another project would require an electrician at Well #6.
- d. Commissioners approved the private well permits for Dar & Les Stumpf at W422 Stumpf Ave and N465 Lorraine St.
- e. Commissioners tabled approval to refund overcharge for water and sewer quarterly meter charges to High Cliff Resorts until July, 18, 2005 meeting. A 1-1/2" meter was installed at High Cliff Resorts in 1996. The person responsible for entering the meter data in 1996 erred by entering 3" as the meter size rather than the correct 1-1/2" meter size. Per PSC, the utility must reimburse the customer for six years from the date the error was discovered (February 1999 - February 2005). Commissioners request that the meter be tested for accuracy. Commissioners request volume readings from the past six years, if available.
- f. Commissioners approved to move into closed session 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.
- g. Commissioners moved to return to open session to take further action or to adjourn the meeting.

2) DISCUSSION ITEMS

- a. Village engineer explained that water quality pilots 3 & 4 were ran. No final recommendations or design were presented. Village engineer stated that they are in communication with Calgon Carbon to review the data from all four of the

trials. The Village engineer told the commissioners that the final recommendation and design will take care of Well 5/6, before making final decision the Village should revisit buying water from elsewhere or purchasing land for a new well.

- b. Commissioners did not take action regarding utilities operation and maintenance which was an item of closed session discussion.
- 9) Report of Village Officers
- a) Review of financial reports – Reports were reviewed. Noting a payment to Native Solutions, Kaas inquired about the status of the Mustang Acres pond project. Van Lieshout indicated that the project is ongoing but he will follow up to make sure that targeted vegetation is killed.

10) Village Coordinator

- a) Complaints and Compliments
 - i) Requests for traffic control & excessive speed at State Park Road and Nature's Way Drive – Jolene Morgan, W5296 Natures Way Dr., and John Spiegel, N7930 State Park Rd. requested reinstallation of a stop sign on State Park Road at Natures Way Drive to discourage excessive speeds.

On a related issue, Van Lieshout reported that a stop sign was removed by unknown parties from its post on Natures Way Drive and was remounted on a speed limit sign post on State Park Road. He pointed out that these actions were extremely dangerous and are a felony offense. Kaas stated that if the perpetrator/s is discovered they should be prosecuted to the full extent of the law. No actions were forthcoming regarding amending Ordinance 49 to authorize stop signs on State Park Road. Van Lieshout reported that a strong warning against tampering with traffic signs will appear in the upcoming issue of the Village newsletter. Beach encouraged the purchase of a radar traffic control board. These devices have been successful in traffic speed reduction and Beach requested that this purchase be brought to the board during the 2006 budget period.

- ii) Garden hoses crossing walking path around State Park Estates detention basin – Lee Werner complained that a water hose and electric pump cord are being used to draw water from the detention pond to water the lawn at a Lake Breeze Drive residence and are obstructing the public trail.

Kaas reported information obtained from the DNR website stated that it is unlawful to divert water without a permit [except in three limited conditions]. Van Lieshout stated that the offender is causing an obstruction to normal use of the trail way. He was instructed to write a letter to the offender to desist from causing the obstruction. The coordinator will check Village ordinances and state statutes to reference the safety offence.

- b) Consideration and action to award Contract McM No. S0017-950400, 2005 Asphalt Paving Program to Badger Highways Co., Inc. in the amount of \$135,168.20 – ***Laux moved to approve the asphalt paving contract award as stated to low bidder Badger Highways Co. Inc. Thomson second. Motion carried unanimously.***

- c) Consideration and action to approve Amendment Number 1 to Professional Services Agreement between McMahon Associates and the Village of Sherwood a decrease in the contract amount of \$37,150 – ***Kaas moved to approve Amendment Number 1 to Professional Services Agreement between McMahon Associates and the Village of Sherwood, a decrease in the contract amount of \$37,150. Rath second. Motion carried.***
- d) Discussion regarding tornado siren status – Van Lieshout reported that receivers in the emergency siren equipment were found to be inoperable and were sent for repairs. They were returned, repaired, and will soon be reinstalled and tested.
- e) 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.

Rath motioned to move into closed session at 7:57 p.m. per State Statute 19.85(1)(e). Laux second. On roll call Beach, Kaas, Laux, Rath, Thomson voted in favor. None against. Motion carried.

Thomson moved to return to open session at 8:02 p.m. Kaas second. Motion carried.

11) Presentation of correspondence, resolutions, and related matters

- a) Consideration and action regarding a request to provide for parking near Miller Pond Detention Basin Trail – Beach stated he is not in favor of providing parking in the vicinity of the Village’s water source.
 - Responding to Laux regarding the recent Triathlon, Van Lieshout reported that the event was generally good. Although 1,000 participants and approximately 1,500 observers were involved, no problems were heard of. Rath asked if it would be appropriate to insist that occupants of trace vehicles remove signs following the race in the future.

12) Adjournment – ***Rath moved to adjourn at 8:06 p.m. Thomson second. Motion carried.***

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

Village Board Meeting Minutes July 11, 2005

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

Present	Others Present
Bill Barribeau	Mike Simon, Village Engineer
Joe Beach	Josh Van Lieshout, Coordinator
Roger Kaas	Ellen Maxymek, Clerk
Joyce Laux – arr. 6:41	
David Miller	
Jim Rath	
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 27, 2005. Kaas second. Beach requested recording of responses made by Engineer Reibold and Coordinator Van Lieshout to public hearing comments by Joe & Jean Sell regarding the 2005 Asphalt Paving Improvement special assessment roll. Motion carried with noted changes to minutes.*

- 5) Registered citizen comments on agenda items
 - Thomas G. Sanderfoot, W5085 Fox Lane, re. agenda item 9) d).

- 6) Consent Agenda
 - a) Operator's License
 - i) Jonathon W. Mader – *Barribeau moved to deny an operator's license to Jonathan W. Mader. Rath second. Motion carried unanimously.*

 - ii) Robin Borree – *Barribeau moved to approve an operator's license to Robin Borree. Rath second. Motion carried unanimously.*

 - b) Class "B" Retailers License
 - i) Saint John-Sacred Heart Congregation, Charlie & Wendy Gehl, Mike Schaeffer Agents – *Barribeau moved to approve a Temporary Class "B" Retailer's License to Saint John-Sacred Heart Congregation. Rath second. Motion carried unanimously.*

- 7) Report of the Plan Commission
 - a) Consideration and action to approve lighting plan for Lakeshore Estates East – *Barribeau moved to approve. Thomson second. Motion carried with Beach opposed.*

- 8) Report of Village Officers
 - a) Review of financial reports – Financial reports were reviewed and accepted.

- 9) Village Coordinator
- a) Complaints and Compliments
 - i) Robert Hittle W5164 Shorewood Court – Complaint regarding his notice to abate noxious weed and rank growth.
 - Harland Zietlow, W4895 Golf Course Road – Complaint forwarded from Trustee Kaas. Unknown person drove vehicle over front yard. Second such incident. Requests signage indicating curve ahead on southbound Golf Course Road. Board will take under advisement.
 - b) Discussion and possible action regarding traffic study at STH 55/114, CTH M, & Clifton Road – Mike Simon, McMahon Associates, presented the results of the traffic study. Discussion of possible options to better control traffic flow and safety followed, including stop light and/or round-about. Both options are costly and it is unlikely that the Department of Transportation would provide any funding because the threshold of need cannot be established by the traffic count study. Further discussion related to possible funding through the Community Development Authority in the context of downtown redevelopment. ***Miller moved to refer the issue to the Plan Commission for further study. Thomson second. Motion carried unanimously.***
 - c) Consideration and action to approve resolution 05-07 Rejecting Bids For The 2005 Village Administrative Office Remodeling Project and Providing for the Procurement of Labor and Materials Under the Direction and Supervision of the Village of Sherwood Board of Trustees – ***Barribeau moved to approve Resolution 05-07 rejecting bids for the 2005 Village administrative office remodeling project and providing for the procurement of labor and materials under the direction and supervision of the Village of Sherwood Board of Trustees as stated. Laux second. Motion carried unanimously.***
 - d) Consideration and action to approve a ditch enclosure request for Fox Lane – Thomas Sanderfoot requested approval for ditch enclosures on behalf of four residents at the east end of Fox Lane. Engineer Rosenbeck reported no objections to these enclosures provided that property owners understand that they would not be relieved of special assessment obligations should the Village decide to reconstruct the road with curb, gutter and storm sewers in the future. ***Barribeau moved to approve ditch enclosures at property addresses W5082, W5083, W5084, W5085 Fox Lane with the stipulation that a memorandum of understanding of the engineer's comments be attested by signature of each property owner and returned to the Village office. Miller second. Motion carried unanimously.***
 - e) 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 motion at 8:20 p.m. to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever

competitive or bargaining reasons require a closed session. Thomson second. On a call of roll Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.

Beach motion at 8:37 p.m. to RETURN TO OPEN SESSION to take further action or to adjourn the meeting. Barribeau second. Motion carried unanimously.

10) Presentation of correspondence, resolutions, and related matters

- a) Correspondence regarding Lakeshore Estates Impact Fee Appeal – Van Lieshout stated that, since Lakeshore Estates Ltd. has not been required to pay impact fee it is unlikely that a basis for appeal exists. Nonetheless, a hearing regarding the matter will be noticed for discussion at the next meeting.
- b) Correspondence regarding discharge of firearms over Lake Winnebago – Van Lieshout called attention to draft correspondence directed to DNR, Regional Warden by Attorney Carlson answering the Departments request for “legal basis for enacting an ordinance that purports to extend beyond the Village of Sherwood boundary”.
 - Beach and Laux reported that the emergency siren at Clifton Road is not sounding. Van Lieshout will arrange another test.
 - Miller reported a request by a resident to erect an osprey platform at Miller Pond.
 - Responding to an inquiry from Kaas, Van Lieshout reported that the Mustang Pond treatment program is on track.

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

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

Village Board Meeting Minutes July 25, 2005

- 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
Jim Rath
Carl Thomson

Others Present

Jennifer Schaaf, Engineer
Josh Van Lieshout, Coordinator
Ellen Maxymek, Clerk/Treasurer

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Laux second. Motion carried.*
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of July 11, 2005. Laux second. Motion carried unanimously.*
- 5) Registered citizen comments on agenda items
- David and Joan Petrie, N7986 Stommel Rd., re. agenda item 9) b). Joan Petrie asked what the Village intends to do to control algae and weed growth in Mustang Acres Pond. Van Lieshout answered that in the experience of the project contractor, Native Solutions, seeding and growth of native water plants will tend to filter out fertilizer and animal wastes that feed undesirable growth. David Petrie commented that goose waste is fouling ponds this year more than in past.
 - Laurie Schinke, N7991 Carriage Ct., re. agenda item 9) b). Schinke said that the Village is not properly mulching and caring for trees in public green space.
 - Roy Knoll, N7981 Carriage Ct., re. agenda item 9) b).
 - Paul and Paula Eckes, N4886 Cliffview Dr., re. agenda item 9) b). Paula Eckes commented that mosquitoes breed in stagnant pond water and may spread disease such as West Nile virus. She then asked why other Village detention ponds seem to be functioning better than Mustang Pond.
 - Phil Graebel, N7995 Carriage Ct., re. agenda item 9) b). Graebel reported his understanding when he purchased his Mustang Acres lot that pond maintenance would be much broader than it has been. Quality of life and property values have diminished as result of the condition of Mustang Pond
 - Mary and Michael Johnson, W4865 Mustang Dr., re. agenda item 9) b).
 - Donna Christie, N8007 Mustang Dr., re. agenda item 9) b). Christie reportedly discussed possible remedies to pond algae with Donna Van Buecken, of Lake Shore Cleaners, subcontractor for Native Solutions as follows:

- Selected emergent prairie plants are good but insufficient to filter all runoff
- Keeping the water level higher could possibly help control algae
- Non aggressive submergent plants should be added to pond to help control algae
- A small algae eating fish should be introduced to pond environment
- Aeration would help

Christie reported a conversation with Jon Brand, Department of Natural Resources, relative to a 1998 permit issued to David Petrie [approving] the pond as a navigable waterway with dam. Brand reportedly claimed that the DNR is not in charge of setting the water level at which detention ponds are operated. Per Christie, Brand also said that ponds need to be maintained every few years to control sediments that cause algae.

Responding to questions from Christie regarding other matters Van Lieshout said that, although there are no ordinances or written policies that guide the maintenance of detention ponds, public spaces, and trees, all Village ordinances are available under open records statutes and can be viewed/copied in the clerk's office. Discretionary spending for public works maintenance is budgeted and levied by decision of the Village Board. Although, in general, the Board tries to keep taxes in check, it can determine higher levels of such spending if desired. Van Lieshout also reported that elected officials and appointed members of boards and commissions are required to reside in the Village. Other personnel are not required to live in the Village but public works and utility personnel must reside in close enough proximity to be reasonably available in an emergency call-in situation.

6) Consent Agenda – No actions.

7) Report of the Utility Commission

- a) Consideration and action to approve the Report of the Utility Commission – ***Barribeau moved to accept the report of the Utility Commission. Miller second. Motion carried unanimously.***

1) ACTION ITEMS

- a) Commissioners approved a motion for McMahan Associates, Inc to submit a proposal by the August 2005 Sewer and Water Commission meeting to begin on a definitive plan to locate a new well (#7) site and for the treatment of existing wells #5/6. The Village engineer explained that, at the current time, purchase of water from the City of Appleton may not be an option.
- b) Commissioners moved to approve refunding overcharge for water and sewer quarterly meter charges to High Cliff Resorts. At the June 2005 Sewer and Water Commission meeting, the commissioners had requested that the meter be tested for accuracy before consideration of approval. Utility records indicate that the meter was tested for accuracy in 2003 and the results were 100% accuracy. In 1986, a 1-1/2" meter had been installed but errantly entered into the system as a 3" meter. In February 2005, during the Utility audit, the error was discovered. Per PSC, the Sherwood Sewer and Water must refund the "fixed" charges back six years from date of discovery.

2) DISCUSSION ITEMS

- a) The punch-list was not complete, therefore, the Sherwood Sewer & Water Commission was not able to take into consideration or approve the utility improvements in Lakeshore Estates East.
 - b) Commissioners suggested that the Village Coordinator contact at least three prospective contractors/firms for Request for Proposals, which should include a client list, for water and wastewater contracted services. Commissioners also suggested that the interested contractors/firms present their proposals at the next meeting.
- 8) Report of Village Officers
- a) Review of financial reports – Reports reviewed.
- 9) Village Coordinator
- a) Complaints and Compliments
 - Van Lieshout reported an anonymous complaint regarding a resident drawing off water from the State Park Estates Detention Pond for lawn watering purposes.
 - b) Discussion and update on Mustang Acres Detention Basin planting project – The 2004 proposal from Native Solutions for treatment of the 8 foot strip around Mustang Pond was reviewed. The proposal included 4 applications of chemical treatment followed by preparation, seeding with designed seed mix, and application of anti-erosion fabric. After an on-site meeting with the project manager, Van Lieshout reported that the project is on track with one chemical treatment remaining, to be followed by preparation, seeding of native grasses, and application of erosion control fabric for spring germination.

Van Lieshout stated that capacity for storm water detention must be available in the pond system. The ponds must be operated as efficiently and prudently as possible within permitted limits while maintaining the capacity for storage of a 100 year flood event as planned. Engineer Schaaf suggested that the study of flood events should be reviewed. This report would help calculate the impact of raising the level of Mustang Detention Pond. Van Lieshout stated that it would be ill-advised to tamper with the pond level in-so-far as it could adversely affect the entire system of storm water management particularly the downstream ponds.

Responding to criticisms by residents living in the vicinity of Mustang Pond, Kaas requested that DNR detention pond permits be copied to the Board for review at the next meeting. We should know what the permits allow before violating them, Kaas said. Beach asked that in discussing the design of the detention ponds it would be useful to refer to design standard rather than to DNR permitting in order to more accurately convey the fact that the DNR does not create or set the design but rather reviews and approves the design submitted. Rath suggested that a rotational plan for maintenance of pond areas, parks, and trees should be developed and followed by the public works department.

- c) Discussion and possible action regarding curve ahead sign near Golf Course and Stommel Road – After reviewing information regarding appropriate placement of warning signs, ***Miller moved to install a curve ahead sign near Golf Course Road and***

Stommel Road at the discretion of the road supervisor. Kaas second. Motion carried unanimously.

- d) Consideration and action to accept roadway improvements for Lakeshore Estates East – after review of correspondence from Engineer Roger Teske re. punch list items requiring completion, ***Miller moved to table acceptance of the roadway improvements for Lakeshore Estates East until a recommendation to accept is received from the Village engineer. Thomson second. Tabled.***
- e) 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 8:01p.m. per State Statute 19.85(1)(e) for the purpose of 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. Laux second. On a call of roll, Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***
 - ***Thomson moved to return to open session at 8:47 p.m.. Kass second. Motion carried.***

10) Presentation of correspondence, resolutions, and related matters

- a) Correspondence regarding Lakeshore Estates Impact Fee Appeal – The appeal of impact fees was postponed until the August 8 Village Board meeting at the request of David Van Lieshout, Attorney for Lakeshore Estates Ltd.
- Beach requested that Van Lieshout check the safety of the concrete foundation pad at the Legion Park Pavilion.
 - Rath noted that the hydrant flags near the Wanick Park Pavilion should be removed.
 - Responding to a question from Laux Van Lieshout stated that the Village is responsible for striping and maintenance of the Hwy. 114/55 crosswalk.
 - Barribeau requested that “no parking” indicators be painted on the curbs and road in the vicinity of the Harrison boat ramp. Beach asked that curb areas near fire hydrants be painted to indicate no parking as well.
 - Laux asked that the constable come to the next Board meeting with a report of activities.

11) Adjournment – ***Thomson moved to adjourn at 8:54 p.m. Motion carried.***

Minutes presented for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes August 8, 2005

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:30 p.m. Roll called:
- | | | |
|--|---------------------|-----------------------------------|
| | Present | Absent |
| | Bill Barribeau | Joyce Laux |
| | Joe Beach | Others Present |
| | Roger Kaas | Rich Carlson, Village Attorney |
| | David Miller | Jennifer Schaaf, Village Engineer |
| | Jim Rath, arr. 6:35 | Nick Vande Hey, 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. Kaas second. Motion carried unanimously.*
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of July 25, 2005 and July 29, 2005. Miller second. Motion carried. Beach abstained.*
- 5) Registered citizen comments on agenda items
- Donna Christie, address not given, re. agenda item 10)b).
 - Howard Wahlfeld, N7986 Carriage Ct.
 - Robert Wittmann, W5146 Natures Way Dr., re. agenda item 10)c).
 - Jeff Rustick, Schuler & Associates, Inc. re. agenda item 10)c).
- 6) Public Hearing: Lakeshore Estates Limited Request for Waiver of Sewer and Water Impact Fees – Dave Van Lieshout, Attorney, on behalf of Lakeshore Estates Ltd. presented an appeal of application of the impact fees ordinance to 250 lots developed by Lakeshore Estates Ltd. on platted and unplatted property yet unsold, stating that the Impact Fees Ordinance greatly affects the ability of the Lakeshore Estates Ltd. to market these unsold lots. Lakeshore Estates Ltd. believes it has legal standing to appeal. The arguments put forward against application of impact fees are three: 1) The ordinance is overly broad 2) Lots located in the TIF District have already been charged by utilities 3) Purchasers from Lakeshore are not subject to the ordinance if they are not developers. The full text of the Lakeshore Estates Summary of Position Regarding Appeal is attached and declared a part of these minutes.

Village Attorney Carlson summarized the Village response to the arguments put forward by Lakeshore Estates Ltd. He agreed that a recent court decision gives legal standing for appeal to groups with an interest in impact fees ordinances such as builders association, and that as such it is likely that Lakeshore Estates has legal standing. Attorney Carlson gave general responses to the arguments of the appeal and noted that these responses will be fully stated in the decision of the Village to the appeal within the next fourteen days. Briefly stated these responses are: 1) the ordinance is not overly broad but is based on a need assessment of new water and sewer infrastructure to serve estimated growth over the next twenty year period. The 20 year time period is typically used to assess and plan future growth. 2) Improvements funded by the TIF increase in the tax base were planned improvements which have been completed or are in implementation phases. They are fundamentally different than

improvements put in by subdivision developers, and are not the same as improvements to be built in the future as described in the need assessment upon which the Impact Fees Ordinance is predicated. 3) The ordinance language which defines “developer” and “land development” is taken directly from the Wisconsin statute relative to impact fees, §66.0617(1)(b) and (1)(d).

After three calls for comment President Miller announced the hearing closed at 7:15 p.m.

7) Consent Agenda

a) James Brooks – ***Barribeau moved to approve issuing an operator’s license to Applicant Brooks. Thomson second. Motion carried unanimously.***

b) Adam Pattermann – ***Barribeau moved to approve issuing an operator’s license to Applicant Pattermann. Thomson second. Motion carried unanimously.***

8) Report of the Plan Commission

1) Action Item

a. Consideration and action to recommend to the Village Board an intersection design for STH 114/55, CTH M, and Clifton Road – Recommended plan for future round-about intersection as part of a downtown redevelopment plan. Noted advisability to forward notice of intent to the Department of Transportation to get on the DOT eligible projects list for future funding opportunities.

2) For Information Only

a. Consideration and action to approve a conditional use permit for the operation and erection of additional grain storage bins, dryer and elevator leg at Sherwood Elevator – Approved application for conditional use permit for the operation and erection of additional grain storage bins, dryer and elevator leg at Sherwood Elevator.

a) Consideration and action regarding Plan Commission recommendation on round-about intersection at STH 55/114, CTH M, and Clifton Road (referred from VB 7/28/05) – Beach inquired if an extensive traffic flow study would be done before proceeding with planning a round-about. Rath said that the trustees will have opportunities to see how a round-about works when this solution to traffic problems is built at the intersection of STH 10 and CTH N. Kaas stated his understanding that this recommendation came in order for the Village to position itself for possible Department of Transportation grants in the future. ***Miller moved to accept the recommendation of the Plan Commission and to pursue application to the Department of Transportation for prioritization as a future recipient of planning and construction grant funds for a highway round-about at the intersection of STH 55/114, CTH M, and Clifton Road. Thomson second. Motion carried. Beach opposed.***

b) Consideration and action to approve the report of the Plan Commission – ***Kaas moved to accept and approve the report of the Plan Commission. Miller second. Motion carried with Beach opposed.***

9) Report of Village Officers

- a) Report of Village Constable – Constable Greg Cullen introduced himself to the Board. He stated that he gets an average of two calls per week on issues relating to vehicles stored on residential property, speeding complaints and feral cat and barking dog problems. Cullen continued that his work schedule as a fireman means that meeting agendas and packets are occasionally delivered later than usual. He asked if it is possible to rig up some kind of mailbox system at the Village office so that trustees and commissioners can pick up their packets. After discussion of possible options it was the consensus of the trustees that the sometime inconvenience is not a big enough problem to undertake systematic changes.
- b) Review of financial reports – Report reviewed.

10) Village Coordinator

- a) Complaints and Compliments
 - i) Sherwood Forest Country Club – Property owner Gregg Holz complained of sump water being drained onto golf course rough and of non-compliance with erosion control ordinance on lots under development.
 - An anonymous complaint was received regarding a Lake Breeze Drive resident pumping off water from the State Park Estates Detention Pond for lawn watering purposes.
 - Thanks were received for Village support of the SAYSO baseball program. The Public Works team was complimented for a “great job” of grooming the park sports fields.
- b) Discussion regarding the Small Dam Permits for Miller, Mustang and State Park Ponds – Engineer Vande Hey reported that each pond in this detention basin system is constructed as a dam and is permitted by the Department of Natural Resources. If permit changes are contemplated by the Village a flood study and new permit applications would be necessary. Any disruption to the system would cause repercussions such as possible flooding of Stommel Road and potential flooding both upstream and downstream. Firm compliance with erosion control measures would help control silt deposits in the ponds. Algae growth, nourished by lawn and agricultural fertilizers as well as animal and fowl waste, could be reduced if the use of these products was controlled.

Responding to questions from residents whose property is proximate to the Mustang Acres Pond, Vande Hey stated that product such as dyes or herbicides and algae eating fish could help algae control but may be objected to by the DNR. He further noted that the ponds have some treatment capabilities in so far as they tend to filter contaminate materials so they do not enter Lake Winnebago. Van Lieshout answered a residents question saying that the water level of Mustang Acres Pond cannot be “temporarily” raised but that permit requirements could possibly be changed.

Kaas noted that chemical treatments for algae need to be reapplied after rain events. He would like to see cost estimates for such treatments. He, however, could not support pond design changes. Van Lieshout was asked to obtain cost estimates of various treatments

and to dredge out bottom sediment particularly at the ends of the pond where water levels are lowest. These potential methodologies should then be agendaized for discussion at a future meeting. Van Lieshout thought it unlikely that the information could be gathered in time for the next meeting agenda.

- c) Consideration and action to accept the roadway, storm sewer and stormwater detention improvements for Lakeshore Estates East – Ordinarily, said Van Lieshout, the Village would not accept development infrastructure until all construction and restoration was complete. In this circumstance, however, the developer has been unable to complete the drainage plan and restoration because the Village has yet to finish negotiating land acquisition, easements and construction of the drainage system and detention basin to which Lakeshore Estates East drainage will connect. For this reason, and because Village Engineer Roger Teske indicated in correspondence dated August 8, 2005 that roadway improvements are completed, the Coordinator recommended acceptance of the infrastructure. Engineer Schaaf disagreed with Van Lieshout's recommendation, saying that the Village will then take on liability for possible damage should stormwater backup onto property. Additionally the Village would, no doubt, be recipient of property owner complaints. Lakeshore Estates East Developer Wittmann reportedly has lot buyers lined up, two who are very anxious to pull building permits and build homes this fall. Engineer Rustick declared that the developer will continue to manually pump storm water from the subdivision pond when overflow is anticipated. Following discussion, ***Miller moved and Kaas seconded contingent acceptance of the improvements completed thus far under the following conditions:***

- ***Issuance of building permits will be limited to two permits***
- ***A hold harmless agreement will be provided to the Village by all parties of lot development***
- ***A surety agreement, letter of credit, or performance bond will be provided to the Village by the subdivision developers in a minimum amount of \$5,000***
- ***The subdivision pond will be pumped when the pond level reaches one foot above operating level***

In a roll call vote on the motion, Kaas, Miller, Rath, and Thomson voted in favor. Barribeau and Beach voted against.

- d) Discussion regarding closing the Associated Bank trust account – Van Lieshout and Maxymek reported that the approximate balance of \$53,000 held in trust at Associated Wealth Management had monthly net costs of \$100-150. Since the TIF project costs funded by the Associated account were paid and since a receivable of \$9,600 incorrectly paid out to J & E Construction has been recovered, the rationale for the account no longer exists. On the other hand, because a second trust account with West Point Bank is costing almost nothing, and since the Mustang Acres developer agreement costs anticipated upon payoff of special assessments on two unsold lots are held in the account, there is no particular reason to close it. It was the consensus of the Board that the Associated Wealth Management account should be closed and the balance of funds deposited in the TIF Fund operating depository account at Calumet County Bank.

- e) Discussion and action regarding establishing new deductible limits for real and personal property, and motor vehicle insurance – ***Rath moved to increase the insurance deductibles on property insured by Local Government Property Insurance Fund to \$2,500 in each insurable category. Miller second. Motion carried unanimously.***
- f) Consideration and action to approve a claim for damages at W4688 Parkway Court – Van Lieshout explained that a large rock was thrown by Village mower when cutting rank growth on a neighboring property. Mrs. Goerl, owner of the Parkway Court property expects that the resulting damage to her garage door will be repaired at the expense of the Village. Two proposals for repair were offered. ***Barribeau moved to approve payment for repair in the amount of \$498. proposed by American Overhead Door. Beach second. Motion carried unanimously.***

11) Presentation of correspondence, resolutions, and related matters

- Van Lieshout reportedly checked damage to the cement slab at the Legion Park Pavilion. He stated that he did not find the damage to be sizable nor of great potential for liability.

12) 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

- ***Barribeau moved to proceed to closed session at 9:38 p.m. per State Statute 19.85(1)(e) for the purpose of 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. On a call of roll, Barribeau, Beach, Kaas, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***
- ***Miller moved to return to open session at 10:05 p.m. Thomson second. Motion carried.***

13) Adjournment – ***Beach moved to adjourn at 10:05 p.m. Thomson second. Motion carried.***

Minutes submitted for approval by Ellen Maxymek, Village Clerk.

Village Board Meeting Minutes

August 22, 2005

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

Present Bill Barribeau Joe Beach Roger Kaas Joyce Laux David Miller Jim Rath Carl Thomson	Others Present Lee Reibold, Village Engineer Jennifer Schaff, Village Engineer Nick Vande Hey, Village Engineer Josh Van Lieshout, Coordinator Ellen Maxymek, Clerk
---	---

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of August 8, 2005. Kaas second. Motion carried.*

- 5) Registered citizen comments on agenda items
 - Dave Van Elzen, Sherwood Lions Football Program, will contribute \$45,000 in partial funding of potential \$75,000 project to renovate Legion Park pavilion with a press box, announcer stand, concession area, new electrical service and a parking lot. The football program would need exclusive use during a portion of the year and the right to schedule activities during football program season. Van Lieshout will search for any plans submitted last year. Van Lieshout stated the Board has sole budget authority, but he would advise the Board to require a development agreement if they want to proceed with this project. Rath asked that information regarding liability and American with Disabilities Act (ADA) compliance be brought to the attention of the Board.

 - Donna Christie, re Mustang Pond. Reviewed DNR correspondence relative to Mustang Pond. Stated she took photo of area ponds and that Mustang Pond is much lower than others. Stated that the Village keeps putting off Mustang Pond issues and that some residents think this may be a Village vendetta against Developer Dave Petrie. Asked if it would be less costly to be proactive and not plant prairie and wetland plants if the intent is to later dredge the pond.

 - David & Joan Petrie re 9)c) and 10)b). Petrie presented correspondence related to his bill for services 9)c). He asked what the Village can do to control algae and odor from Mustang Pond 10)b).

 - Brian & Lisa Ott, N7987 Mustang Dr., re Mustang Pond. Ott commented that Mustang Pond is apparently not operating at planned levels because level is at six inches rather than thirty-six.

 - Laurie Schinke, re Mustang Pond. Schinke stated she doesn't understand how increasing Mustang Pond level could affect other system ponds. Vande Hey responded that upstream ponds and storm sewers can be affected because reduced overall capacity can

cause upstream backup, flooded property and frozen storm sewer pipes. Downstream ponds are affected by water gushing into system due to reduced Mustang Pond storage volume.

6) Public Hearing: None

7) Consent Agenda

a) Harold James Uhlenbrauck – *Barribeau moved to approve application for operator's license. Rath second. Motion carried unanimously.*

8) Consideration and action to approve the Report of the Utility Commission – *Rath moved to approve. Thomson second. Motion carried.*

ACTION ITEMS:

a) Commissioners approved authorizing McMahon Associates to conduct an environmentally acceptable preliminary well site survey and exploration of alternative sites. The cost is not to exceed \$4,000.

b) Commissioners approved private well operating permits for Sherwood Forest Golf Course and High Cliff Restaurant.

c) Commissioners moved to accept the utility improvements in Lakeshore Estates East with the condition that no water is in the sewer main upon final inspection of eight manholes by Sherwood utility technician.

d) Commissioners moved to approve a sewer extension to a vacant lot west of Lot 12 on the corner of Windsong Ct. and Natures Way Dr. with the provisions that the existing asphalt be "stepped" cut, the trench be backfilled with stone, and a \$4,000 warranty bond be posted for eighteen months by the developer for consideration of settling after construction is complete. The developer is responsible for all related costs.

e) Commissioners approved the Preliminary Engineers Report for STH 114 Water Main Extension and sending to Village Board for Public Hearing. Non-assessable frontage properties are "Deferred." The deferred properties reside within the Town of Harrison boundaries.

f) Commissioners approved Badger Highway proposals to repair WWTP loading area and Clifton PRV at a cost not to exceed \$9,000.

g) Commissioners approved tabling action regarding proposals for water and waste water contracted services.

9) Report of Village Officers

a) Review of financial reports – Reports were reviewed.

b) Consideration and action to accept the 2005 Population Estimate – Maxymek reported the WI Department of Administration estimate of population on January 1, 2005 as 2,250. This is an approximate growth of 8% over the 2,059 population estimated in 2004.

Barribeau moved to accept the population estimate as reported. Kaas second. Motion carried.

- c) Review of 2005 County Equalization Report – Maxymek reported that Sherwood’s equalized value rose from \$177,489,500 to \$198,530,900, an increase of \$21,041,400 or 11.86%.
- d) Review of Petrie payment request for mowing and restoration – Maxymek reported that Petrie resubmitted a previously denied bill for payment of unsolicited mowing of Stommel Road Lift Station property as well as grading a Mustang Acres lot which he said was rutted during the Village’s 2004 mowing of rank weed growth. When resubmitting this bill Petrie deducted a well permit fee of \$50 and a billable amount for reimbursement of Village paid engineering services in connection with Mustang Acres II. Petrie’s bill included interest on his initial claim. ***Miller moved to pay the original \$200 claim. Thomson second. Motion carried with Beach opposed.***
- e) Consideration and action to approve Resolution 2005-08 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers for the Pigeon Road Curb, Gutter and Storm Sewer Project – ***Laux moved to approve Resolution 2005-08 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers for the Pigeon Road Curb, Gutter and Storm Sewer Project. Barribeau second. Motion carried unanimously.***
- f) Consideration and action to approve Resolution 2005-09, Supporting Agreements Between the Village of Sherwood and the Wisconsin State Elections Board Regarding the Use of the Statewide Voter Registration System – Maxymek stated that approval of the resolution would authorize future activities related to implementing a statewide system of voter registration as required by the federal Help America Vote Act. She mentioned that the HAVA Act also required the purchase of equipment which will facilitate voting by visual and hearing impaired electors. ***Barribeau moved to approve Resolution 2005-09, Supporting Agreements Between the Village of Sherwood and the Wisconsin State Elections Board Regarding the Use of the Statewide Voter Registration System. Thomson second. Motion carried unanimously.***

10) Village Coordinator

- a) Complaints and Compliments
 - i) Kristin Scott – Complained about excessive number of traffic control and street identification signs in Lakeshore Estates East and about the 4x4 wood posts used to mount the signs. Scott also complained about excessive traffic speeds by motorists on Lake Breeze Drive. Van Lieshout referred the latter complaint to the Calumet County Sheriff Department.
 - ii) Maureen McAfee – Complained about the delay in completing street paving on Nature Lane and the inconvenience of using an alternate route of travel to the highway. Van Lieshout reported that the road work was completed the day following McAfee’s complaint.

- b) Discussion regarding Mustang Retention Pond – Engineer Nick Vande Hey presented a report [attached herein and made a part of minutes] which evaluates options to alleviate algae growth in Mustang Pond.

MUSTANG POND
Village of Sherwood, Wisconsin
August 22, 2005

The watershed for the Mustang Pond is approximately 560 acres. The watershed is rapidly urbanizing or converting from an agricultural land use to a residential / commercial land use. The purpose of the Mustang Pond is to improve surface water drainage, flood control, and water quality for existing and future development before discharging into downstream waterways, wetlands, and Lake Winnebago. The permanent water depth within Mustang Pond varies from 0 to 12 feet.

Algae growth within Mustang Pond is influenced by human behavior, animal waste, climatic factors, and land uses within the watershed. Potential algae controls for Mustang Pond are identified below. These same controls could also be considered for the upstream State Park Estates Pond.

Preventative Controls for Watershed:

1. Improve construction site erosion and sediment controls
2. Establish vegetated buffers along ditches, streams, ponds, etc.
3. Limit lawn / garden / agricultural fertilizer applications
4. Reduce animal wastes, including geese and dogs
 - o Collect and properly dispose of dog waste
 - o Plant wetland / prairie at pond perimeter to discourage geese
 - o Install goose grid at pond perimeter to discourage geese

Preventative Controls for Pond:

1. Wetland plants
 - o Wetlands uptake nutrients that are also needed for algae growth
 - o Wetlands reduce visibility of algae / litter within shallow water areas
 - o Wetlands provide shade that may reduce water temperatures
2. Fish stocking - Fathead Minnows can reduce algae
3. Pond aeration
 - o Increases dissolved oxygen, nutrient precipitation, microorganism growth
 - o Reduces water stagnation, carbon dioxide, anaerobic nutrient releases
 - o Diffused aeration is typically the most cost-effective type of aeration
 - \$7,000 to \$10,000 capital cost for Mustang Pond
 - \$1,000 annual maintenance cost. Operation costs are not included.

Management Controls for Pond:

1. Chemicals
 - o Will not work very well in shallow water
 - o Anticipate multiple chemical applications each year
 - o \$400 to \$600 per acre for Reward, Cutrine Ultra, & enzyme
 - o Annual DNR Permit is required (\$20 plus \$25 / acre of water surface)

Potential Pond Modifications:

1. Wetland plants at pond inlet and outlet
 - o Install topsoil and wetland plants near the inlet and outlet. Dave Petrie indicated the inlet has a 6-inch water depth and rip-rap bottom. Dave indicated the outlet has a 0 to 5-foot water depth and rip-rap bottom.
 - o Wetland plants will uptake nutrients that are also needed for algae growth

- Wetland plants reduce algae / litter visibility within shallow water areas
 - Wetland plants provide shade that may reduce water temperatures
 - Wetland plants: Bulrushes, Arrowheads, Pickerel Plant, Lilies, Water Iris
 - Estimated cost: \$10,000 to \$20,000
2. Fill pond inlet and outlet to 6-inches above normal water surface elevation. Plant the fill areas with prairie or lawn. Create narrow, flat ditch between inlet / outlet pipes and deeper water. Stabilize narrow, flat ditch with wetland plants or rip-rap.
- Eliminates shallow water and algae problem at pond inlet and outlet.
 - Some storage volume is lost within pond. Impacts are less as compared to raising the pond's entire water surface elevation by 12 to 15-inches with a wooden board. Potential impacts to the pond and storm sewer system should be evaluated before proceeding with this option.
 - Estimated cost: \$55,000 to \$75,000
3. Increase pond depth at inlet / outlet and create safety shelf along north side of pond for wetland plants. Eliminate asphalt trail along north side of pond to provide space for a deeper pond inlet / outlet and safety shelf.
- Additional depth reduces potential for continuous algae mat at inlet /outlet
 - Additional depth would improve chemical effectiveness at inlet / outlet
 - Wetland plants will uptake nutrients that are also needed for algae growth
 - Wetland plants reduce visibility of algae / litter within shallow water areas
 - Wetland plants provide shade that may reduce water temperatures
 - Estimated cost: \$140,000 to \$170,000

In discussion Vande Hey repeatedly stressed the benefit of erosion and nutrient control. Responding to a question from Beach, Vande Hey reported that some communities are trying to avoid algae problems by building new ponds with specifications for wetland plants and prairie plants which filter runoff, uptake nutrients and discourage avian wildlife from depositing waste in pond waters. Beach stated he thinks the Village needs to work proactively to avoid similar pond problems in the future. Answering Miller's question regarding the feasibility of applying chemical applications this fall in an attempt to alleviate current algae growth in Mustang Pond, Vande Hey said it will depend on how long the required permitting process would take. He stated he will refer the names of chemical treatment contractors to Van Lieshout who can obtain information and proposals. ***Miller moved to obtain proposals for non-toxic chemical treatment programs. Thomson second. Motion carried.***

- c) Discussion and possible action regarding 2005 Street Paving Program special assessments – Engineer Reibold explained that the cost for replacement of greater than anticipated quantities of curb and gutter in Lakeshore Estates West and Sherwood Forest Golf Village II will substantially increase the amount of special assessments for the improvements in those areas. The assessable cost of asphalt paving on the other hand will decrease when the curb and gutter replacement costs are deducted from the overall rates. It is unclear whether another public hearing will be necessary for those parcels affected by an expected 8.5% increase in special assessments to property owners whose streets are improved with new curb and gutter. It was the consensus of the Board to get an opinion from the Village Attorney as to the materiality of the increase and if it meets the test proscribed by Wisconsin Statute necessitating a reconvening of public hearing. ***Rath moved to consult the attorney and then take appropriate action as recommended. Barribeau second. Motion carried.***
- d) Consideration and action regarding Lakeshore Estates Ltd. request for waiver of sewer and water impact fees – ***Beach moved to approve the denial of appeal for waiver of sewer and water impact fees. Laux second. Motion carried unanimously.***

- e) Consideration and action to regarding additional work scope and cost for comprehensive planning activities with Foth and Vandyke – ***Barribeau moved to approve an agreement with Foth and Vandyke for additional work scope and cost of \$2,000 for developing a Visual Preference Survey to augment the planned public informational meeting on Comprehensive Smart Growth Plan. Kaas second. Motion carried unanimously.***
- f) Consideration and action to award a contract in the amount of \$191,230.00 to Northeast Asphalt for Pigeon Road Street and Utility Construction – ***Beach moved to table the item to the September 12, 2005 meeting after holding a public hearing regarding special assessments improvements to be constructed under the awarded contract. Kaas second. Motion carried unanimously.***

11) Presentation of correspondence, resolutions, and related matters

- a) Mike Krueger regarding mailbox – Van Lieshout reviewed his correspondence relative to removal of a non-shearable brick mailbox support. If this second order to comply is not met by September 15, 2005 the Village will remove the mailbox and support at the expense of the property owner.
- Barribeau re watering restriction
 - Beach re Legion Park pavilion concrete slab. Why does Coordinator's opinion differ so dramatically from Van Elzen's as to condition and potential for liability?
 - Petrie re his liability if injury due to trail crossing
 - Laux re reconstruction of sidewalks with concrete or asphalt?
 - Laux re striping at post office
 - Engineer Schaff re guidance on Stommel Road urbanization & reconstruction project. Combine with Pigeon Road and/or other projects ie. Golf Course Road mill & overlay, Forest Lane urbanization etc. for best bid prices.

12) Adjournment – ***Thomson moved to adjourn at 9:37 p.m. Kaas second. Motion carried.***

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

Village Board Meeting Minutes

September 12, 2005 Time: 6:30 p.m. or soon thereafter

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:55 p.m. with roll call:

Present	Others Present
Bill Barribeau	Lee Reibold, Village Engineer
Joe Beach	Jennifer Schaff, Village Engineer
Roger Kaas	Josh Van Lieshout, Coordinator
Joyce Laux	Ellen Maxymek, Clerk/Treasurer
David Miller	
Jim Rath – arrived 8:03 p.m.	
Carl Thomson	

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of August 22, 2005. Thomson second. Motion carried.*

- 5) Registered citizen comments on agenda items
 - Donna Christie, N8007 Mustang Dr., re. 14)e. Christie stated her understanding that designations of waterway navigability can be changed and that a flood plane study being undertaken by the Federal Emergency Management Agency (FEMA) will take two years to complete. She requested that the Village undertake its own study. Christie further said that neither Calumet County, State of Wisconsin nor FEMA has control over Village ponds and that the Village can change operating levels of the ponds under its control.

 - Laurie Schinke, N7991 Carriage Ct., re. 14)e. Schinke said that since the it is late in the year the Village might undertake changing the operating level of Mustang Pond prior to the summer of 2006. Responding to her questions Van Lieshout told Schinke that he did not know how long the permitting process will take before chemical treatments could be made nor does he know how frequently chemical treatment of Mustang Pond will be needed.

- 6) Public Hearing: Special Assessments for Public Improvements in the Village of Sherwood, Wisconsin, installation of concrete curb, gutter, and storm sewer on the east side of Pigeon Road.
 - Tim Stevenson, N7916 Pigeon Rd. – Van Lieshout answered as follows the questions posed by Mr. Stevenson:
 - Curb and gutter improvements to the west side of Pigeon Road were special assessment of benefiting abutting property owners.

 - The Village Board and Plan Commission spent much time in years past deliberating the best way to accomplish reconstruction of Pigeon Road. Finally an urban cross section was decided on to include curb and gutter, storm sewer as well as a trail section. The west side of the road only was urbanized because, unlike the east right-of-way at the time, it was highly developed.

- The Village is initiating the Pigeon Road project. The recent fast pace of development to the east now calls for urban initiatives. Laux also explained that TIF financing will make funds available for road urbanization now but not so in a few years when the TIF project period is closed.
- The Pigeon Road construction project is scheduled to begin this fall.
- Payment of special assessments is usually expected over a three to five year period of annual installments. If annual installments are elected, a modest interest rate, commonly one percent above the borrowing rate, accrues beginning at the date of billing.
- The Village Board decided in 1989 that Pigeon Road should be limited access. Limiting the number of driveway accesses make safe negotiation of the high traffic volume road possible. Pigeon is the main road leading to High Cliff State Park.
- Aaron Carlson, W5096 Fox Ln., Carlson asked if Tax Increment Finance was only a financing plan. Van Lieshout briefly reviewed TIF advantages.

Following three calls for public comment the hearing was closed.

- 7) Consideration and action to approve Resolution 2005-10, 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 Resolution 2005-10, a preliminary resolution declaring intent to exercise special assessment powers under section 66.0703(1)(b) police powers, Wisconsin Statutes, as amended levying special assessments including improvements described as concrete curb and gutter, storm sewer construction, sanitary sewer and water main installation on Stommel Road. Laux second. Roll call vote: Barribeau, Beach, Kaas, Laux, Miller, Thomson in favor. No votes against. Motion carried.***
- 8) Public Hearing: Special Assessments for Public Improvements in the Village of Sherwood, Wisconsin, installation of water main and appurtenances beginning approximately 300 feet south of the intersection of STH 114/55 and continuing approximately 1,224 feet to the south on STH 114.
 - James Zander, 4414 Honeywood Ln., Jackson, WI 53037. Mr. Zander expressed concern that notice was not given previously that extension of a water main passed his property was being considered. He does not think his property is benefiting from access to Village water because he is unable to develop the property without sanitary sewer. He thinks it unfair that only one property owner will directly benefit and asked why the cost was not divided evenly [by parcel rather than by frontage foot]. Van Lieshout responded that the Utility Special Assessment Policy was created by the Utility Commission to equitably and consistently assess improvements in a usual and ordinary manner.
 - Joe Thiel, N7367 State Road 114, Menasha. Mr. Thiel stated that he has had non-potable water for a number of years. He stated that in the long run all affected property owners will be better off by investing in a viable water source.

- Steve Brown, 403 S. Matthew St., Kimberly. Mr. Brown was present but withheld questions and comments at this time.

Following three calls for public comment the hearing was closed.

9) Consent Agenda

- a) Operator's License – *Barribeau moved to approve Operators' Licenses to Diane M. Diedrich and Natasha M. Geiger. Kaas second. Motion carried.*
 - i) Diane M. Diedrich
 - ii) Natasha M. Geiger

- b) Alcohol Beverage License Approval
 - i) Class B Malt Beverage License Castle Mills, LLC, d.b.a. Millie's, Traci Tomko, Agent – *Kaas moved to approve a Class B malt beverage license to Castlemills LLC, dba Millie's, Tracie Tomko, Agent. Thomson second. Motion carried.*

10) Report of the Plan Commission

- 1) For Information Only
 - a. Discussion and possible action regarding a revised concept plan for Lakeshore Estates (Grove Property) – Reviewed revisions to Phase II subdivision concept including making the wooded wetlands into a wooded park. Developers hope that the Village will reconsider the planned park area along the ravine west of Pigeon Road and north of the Nature Haven Estates subdivision, thus freeing that area for development of wooded ravine lots in a future concept for Lakeshore Estates North Development. Action postponed until next meeting.

 - b. Correspondence with regarding former Stumpf Ford Dealership Property – Reviewed correspondence regarding installation of a spray booth and repair facility and/or a private museum at the former dealership property.

11) Report of the PRUT Board

- 1) Action Item
 - a. Discussion and possible action regarding Miller detention basin trees – Recommended that the Public Works Department assess Miller Pond with regard to compliance to state statute and village ordinance re noxious weeds. PRUT member Kirschling volunteered to identify and mark noxious weeds.

- 2) For Information Only
 - a. Discussion regarding play equipment selection at Wannick Park – Due to perceived safety issues related to street parking during sports events at Wanick Park. It was the consensus that street parking should be restricted to the north side of Castle Drive and so recommended to the Village Board. Also recommended that unspent TIF project appropriations be reallocated to purchase equipment and construct additional parking at Wanick Park.

12) Report of the Community Development Authority

- 1) For Information Only

- a. Closed session for the purpose of 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; relative to redevelopment agreement with High Cliff Golf Course.

13) Report of Village Officers – President Miller reported that Dave Erdahl has resigned his positions on the Plan Commission and Community Development Authority.

- a) Equalized Value of Tax Increment District No. 1 – Maxymek reported the current equalized value of Tax Incremental District No. 1 is \$82,311,100. This is an increase of \$79,847,700. from a base value of \$2,463,400. when the TID was created on January 1, 1992.
- b) Financial Reports – Reports were reviewed.

14) Village Coordinator

- a) Complaints and Compliments
 - i) Harland Zietlow – Sent a memo on behalf of the American Legion Post #496 commending the Public Works staff for their efforts in repairing the flag staff area at the Community Center in a manner that will assure respectful treatment of the flag.
- b) Consideration and action to award contracts for General Construction to Jack Diedrich Construction, Inc. in the amount of \$23,631.20, HVAC to Christensen Heating and Air Conditioning, Inc. in the amount of \$16,165.00 and Electrical to Bell Electric, LLC in the amount of \$6,845.00 for the 2005 Village Office Remodeling Project totaling \$43,336.20 – Paul Hemauer, Architect, Miller, Wagner, Coenen reviewed correspondence outlining proposals for general construction, HVAC, and electrical components of the Village office remodeling project. During a planning meeting with the low bid contractors several additions to the proposed construction were discussed and these were also reported by Hemauer. Rath pointed out that more efficient, cost effective HVAC units may be recommended in an upcoming meeting with Focus On Energy Program personnel. Hemauer indicated that if contracts are awarded at this meeting later equipment recommendations can be handled by change orders to the contracts which would also come before the Board for consideration. ***Beach moved to award village office remodeling project contracts as follow:***
 - ***General construction to Jack Diedrich Construction, Inc. for a base bid of \$22,831.20 plus \$800. for additional items for a total of \$23,631.20;***
 - ***HVAC to Christensen Heating & Air Conditioning, Inc. for a base bid of \$14,685. plus \$1,480. additional totaling \$16,165.;***
 - ***Electrical to Bell Electrical, LLC for base bid of \$5,820. plus \$275 additional for a total of \$6,845;***

The project primary contact amounts including recommended additional items total \$46,641.20 with possible equipment exchanges to be handled by change orders. The motion was seconded by Barribeau. Motion carried unanimously.

- c) Consideration and action to award a contract in the amount of \$191,230.00 to Northeast Asphalt for Pigeon Road Street and Utility Construction – ***Rath moved to award a contract no. S0017-940390-A in the amount of \$191,230.00 to Northeast Asphalt for Pigeon Road Street and Utility Construction subject to approval and acceptance of Change Order No. One (1). Beach second. Roll call: Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***
 - d) Consideration and action to approve Change Order No. One (1) a deduct in the amount of \$29,634.08 – ***Rath moved to approve Change Order No. One (1), a deduction in the amount of \$29,634.08 reducing Contract No. S0017-940390-A to \$161,595.92, subject to acceptance by the contractor. Kaas second. Roll call: Barribeau, Beach, Kaas, Laux, Miller, Rath, Thomson voted in favor. No votes against. Motion carried.***
 - e) Discussion regarding Mustang Retention Pond – Van Lieshout reported that he has applied for registration of Mustang Pond as a fish farm. The Department of Agriculture has thirty day to respond to the application. When registered chemical algaecide can be applied to the pond. Aquatic Biologists advises that a seventy-two hour period of fair weather will be sufficient for processing the treatment. The pond outlet will need to be boarded over to retain the water under treatment. Property owners abutting the pond will be notified of the pending treatment and notices will be posted as well. Treatment cost will range from \$800 to \$1,200 per application. Responding to Thomson’s inquiry Van Lieshout said that the Native Solutions project to plant native species and aquatic vegetation around Mustang Pond will go forward this fall. Kaas asked whether there is benefit to planting the vegetation in the fall versus spring. Barribeau suggested that Native Solutions should talk to Aquatic Biologists to coordinate the two projects and assure that the vegetation planting project will not be adversely affected by algaecide treatment.
 - f) Consideration and action to approve Resolution 2005-11 A resolution making various findings with respect to, and authorizing execution and delivery of, a redevelopment agreement relating to High Cliff Golf Course, and approving redevelopment in accordance with said agreement – ***Miller moved to table the matter to a later date. Kaas second. Motion carried unanimously.***
 - g) Discuss and review mowing policy on public properties – Van Lieshout reviewed an incident in which a property owner became very upset that a public green space adjacent to her property was mowed to short and subsequently insisted that grass clippings be picked up and removed. It was the consensus of the Board that Village property should be maintained according to Village specification in the best interest of the entire Village and not at the insistence of individual property owners.
- 15) Presentation of correspondence, resolutions, and related matters
- a) Mike Krueger regarding mailbox – Correspondence requesting the removal of a mailbox enclosure from the public right-of-way was reviewed.
 - b) Calumet County Smart Growth Meeting Notice – Presented September 28, 2005 Smart Growth meeting notice.

- c) Native Solutions – Presented report of progress on Mustang Acres Retention Pond prairie buffer landscaping project and guarantee.
- d) Aquatic Biologists, Inc. – Presented correspondence and information regarding aquatic herbicide treatment.
- Barribeau commented that he has received both positive and negative feedback about the road striping program.

16) Adjournment – *Barribeau moved to adjourn at 9:03 p.m. Thomson second. Motion carried.*

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

Village Board Meeting Minutes

September 26, 2005

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 7:36 p.m. with roll call:

Present Bill Barribeau Joe Beach Joyce Laux Jim Rath Carl Thomson	Absent Roger Kaas, excused David Miller, excused 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. Thomson second. Motion carried.*

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of September 12, 2005. Rath second. Motion carried.*

- 5) Registered citizen comments on agenda items
 - David T. Van Elzen, W5223 Schaeffer Rd., Menasha, Sherwood Lions Football Program, re agenda item 9)b).

 - David Petrie, N7986 Stommel Rd. re agenda item 9)c). Petrie asked that the Village perform maintenance on a storm water drainage ditch on Stommel Road saying that the inlet near his home needs attention and that runoff is damaging the ditch and Mustang Pond. He objected to the killing of grass around the pond [preparatory to revegetation with native plants and water plants], saying that the DNR insisted he plant the grass before they agreed to permit the pond. If grass was right then, he stated, then it should be right now. Petrie complained about the Boards decision to reconstruct Stommel Road to an urban standard against the wishes of the residents.

 - Hugo Wittmann, N7883 Edgewater Ct., re agenda item 9)d).

- 6) Consent Agenda
 - a) Operator's License
 - i) Lisa Elizabeth Van Oss – *Barribeau moved to approve the application for operator's license. Rath second. Motion carried.*

- 7) Report of the Utility Commission – *Rath moved to approve the action items and accept the report. Laux second. Motion carried.*
 - 1) ACTION ITEMS
 - a. Approved proposal for Carbon Life Test with Calgon Carbon.

 - b. Approved continuing with design, engineering, and bidding for the Hwy 114 water main extension.

 - c. Approved contract for epoxy painting the coarse grit remover at WWTP.

- d. Tabled discussion and action regarding property acquisition for Well #7.
 - e. Approved proceeding with securing contract operations for the water and wastewater systems with MCO.
- 2) DISCUSSION ITEMS
- a. Discussed automated facilities management hardware and software improvements.
 - b. Commissioners instructed Coordinator to proceed with process regarding annual well permit non-compliance for Koll and Hauser wells.
- 8) Report of Village Officers
- a) Financial Reports – Reports were reviewed. Laux noted that as of September 1 the IRS approved mileage reimbursement rate increased to \$0.485 per mile.
 - b) Schedule Meeting of the Board of Review – The Board of Review was scheduled Wednesday, November 2, 2005, from 6:30 to 8:30 p.m.
 - c) Review Estimated 2006 Revenue and Expenditure Restraint Payment – Correspondence from WI Department of Revenue was reviewed. The estimate of 2006 shared revenue was stated as \$22,301 and \$7,170 is estimated as expenditure restraint payment.
 - d) Review 2006 Tax Levy Limit materials – WI Department of Revenue reported 2005 (payable 2006) tax levy limit of \$609,654. The levy limit included a 2% growth increase and an 8.021% net new construction increase applied to the 2004 levy of \$564,385.
- 9) Village Coordinator
- a) Complaints and Compliments
 - i) Ruth Kettner – Van Lieshout reported correspondence from Kettner which conveyed her disturbance regarding a neighbor’s complaint about barking dogs. She said that her animals are high spirited but that she closely monitors and controls their behavior when they are out of doors. On another note Kettner was upset by what she perceived to be an accusation by a Trustee of biased reporting in her coverage of Village Board meetings and activities. Kettner said that she has advised the Times Villager she will no longer be their representative at Sherwood Board meeting.
 - b) David Van Elzen-Sherwood Lions Football – Van Elzen asked that the football program be allowed to improve the area in the vicinity of the football field by removing sod between the power poles and in the bleacher area and replacing it with gravel and screenings. This improvement, he said would be funded entirely by the football program. He further would like to have the parking area expanded and graveled. The program is willing to help fund the parking lot improvements. Lastly, the program would like to modify the existing pavilion, adding a concession stand, new electric service and a press box above. He stated, however, that his consultant now says the pavilion should be completely rebuilt. The football program would be willing to fund a substantial part of this project. Van Lieshout told Van Elzen to have his consultant contact the Coordinator for further project information.

Beach stated his reluctance to change the use of the park area from a children's play area to a sports park, particularly since Wanick Park was specifically developed for sports activities.

Rath stated that, although the football program is a very worthy and beneficial activity, he has a larger commitment to represent Sherwood taxpayers by containing tax increases. Laux reiterated saying that any large project expenditures would need to be considered during 2006 deliberations and that the Board cannot make capital project commitments at this time.

Following discussion, ***Barribeau moved to allow the Sherwood Lions Football Program to remove sod and replace with gravel and screenings in the bleacher area and between the power poles as specified in their proposal at no expense to the Village. Thomson second. Motion carried. Beach voted against the motion.***

- c) Discussion regarding Mustang Retention Pond – Van Lieshout reported that a fishery permit has been applied for and will be processed by the Department of Agriculture within thirty days. Following receipt of the permit herbicide treatment can be applied to Mustang Pond for algae control. The native vegetation planting project is going forward as well.
 - d) Discussion and action regarding home construction in Lakeshore Estates East – Hugo Wittmann, Partner, Lakeshore Estates Ltd. and Jeff Rustic, Project Engineer, requested that the developers be released from the building permit hold. They have additional prospective buyers who want to build this fall. Rustic understands that the storm water interceptor project which will drain runoff from their on-site retention area is ready to go forward. The developers have, Wittmann reported, diligently drained storm water from the pond as agreed when it approached overflow and will continue to do so until the interceptor system is ready to receive drainage. After a discussion regarding potential liability if building permits are issued, ***Rath moved to table the matter to the next meeting. Laux second. Motion carried.***
 - e) Friendship Trail Extension Grant Approval – Van Lieshout reported that Calumet County has received a TEA 21 grant award in the amount of \$300,000 toward the North Shore extension of the Friendship State Trail. Sherwood has completed all but a ¼ mile section of its portion of the trail.
- 10) Presentation of correspondence, resolutions, and related matters
- a) Dick and Kathy Austin Re: Land Purchase – Austins requested that the Village grant them title to a 20 ft. by 50 ft. outlot section which abuts their property. They have been maintaining the property for three years and have no intention of putting any structures on the extra footage. Rath stated that on one hand he is hesitant to give away property, but on the other the additional footage would go back on the tax roll if deeded to the Austins. The Coordinator was instructed to discuss deeding the property with restrictions or easements for access.

- b) Mike Krueger regarding mailbox – Van Lieshout reported that the non-shearable mailbox enclosure has been removed from the Village right-of-way as requested.
- c) State of Wisconsin Department of Revenue – Reported in section 8) c) & d) above.
- d) METCO – Correspondence reported that Donald Winkler, owner of the Winkmart property located at W415 Veterans Avenue, has requested a DNR case summary and close out of the contamination site. Van Lieshout advised that although residual petroleum hydrocarbon contamination is still present in the right-of-way to the east of the property the DNR is likely to close the case unless objections are filed. Van Lieshout will consult with the Village Attorney and/or an environmental attorney about the best way to proceed if the Village has an interest in purchasing the property.
- e) Town of Harrison Re: Comprehensive Plan changes – A notice of an upcoming hearing to consider amendments to the Town of Harrison Comprehensive Plan was reported.
- f) Department of The Army Re: Lake Winnebago Basin and lake water levels – A public interagency meeting to exchange information among those with interest in the water resources management of the Lake Winnebago Basin was announced

11) Adjournment – ***Rath moved to adjourn at 10:01 p.m. Thomson second. Motion carried.***

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

Village Board Meeting Minutes

September 26, 2005

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 7:36 p.m.
with roll call:

Present Bill Barribeau Joe Beach Joyce Laux Jim Rath Carl Thomson	Absent Roger Kaas, excused David Miller, excused 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. Thomson second. Motion carried.*

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of September 12, 2005. Rath second. Motion carried.*

- 5) Registered citizen comments on agenda items
 - David T. Van Elzen, W5223 Schaeffer Rd., Menasha, Sherwood Lions Football Program, re agenda item 9)b).
 - David Petrie, N7986 Stommel Rd. re agenda item 9)c).
 - Hugo Wittmann, N7883 Edgewater Ct., re agenda item 9)d).

- 6) Consent Agenda
 - a) Operator's License
 - i) Lisa Elizabeth Van Oss – *Barribeau moved to approve the application for operator's license. Rath second. Motion carried.*

- 7) Report of the Utility Commission – *Rath moved to approve the action items and accept the report. Laux second. Motion carried.*
 - 1) ACTION ITEMS
 - a. Approved proposal for Carbon Life Test with Calgon Carbon.

 - b. Approved continuing with design, engineering, and bidding for the Hwy 114 water main extension.

 - c. Approved contract for epoxy painting the coarse grit remover at WWTP.

 - d. Tabled discussion and action regarding property acquisition for Well #7.

 - e. Approved proceeding with securing contract operations for the water and wastewater systems with MCO.

 - 2) DISCUSSION ITEMS
 - a. Discussed automated facilities management hardware and software improvements.

- b. Commissioners instructed Coordinator to proceed with process regarding annual well permit non-compliance for Koll and Hauser wells.
- 8) Report of Village Officers
- a) Financial Reports – Reports were reviewed. Laux noted that as of September 1 the IRS approved mileage reimbursement rate increased to \$0.485 per mile.
 - b) Schedule Meeting of the Board of Review – The Board of Review was scheduled Wednesday, November 2, 2005, from 6:30 to 8:30 p.m.
 - c) Review Estimated 2006 Revenue and Expenditure Restraint Payment – Correspondence from WI Department of Revenue was reviewed. The estimate of 2006 shared revenue was stated as \$22,301 and \$7,170 is estimated as the expenditure restraint payment.
 - d) Review 2006 Tax Levy Limit materials – WI Department of Revenue reported 2005 (payable 2006) tax levy limit of \$609,654. The levy limit included a 2% growth increase and an 8.021% net new construction increase applied to the 2004 levy of \$564,385.
- 9) Village Coordinator
- a) Complaints and Compliments
 - i) Ruth Kettner
 - b) David Van Elzen-Sherwood Lions Football
 - c) Discussion regarding Mustang Retention Pond – Van Lieshout reported that a fishery permit has been applied for and will be processed within thirty days. If approved herbicide treatment can be applied to Mustang Pond for algae control. The native vegetation planting project is going forward as well.
 - d) Discussion and action regarding home construction in Lakeshore Estates East
 - e) Friendship Trail Extension Grant Approval
- 10) Presentation of correspondence, resolutions, and related matters
- a) Dick and Kathy Austin Re: Land Purchase
 - b) Mike Krueger regarding mailbox – Van Lieshout reported that the non-shearable mailbox enclosure has been removed from the Village right-of-way as requested.
 - c) State of Wisconsin Department of Revenue – Reported in section 8) c) & d) above.
 - d) METCO
 - e) Town of Harrison Re: Comprehensive Plan changes
 - f) Department of The Army Re: Lake Winnebago Basin and lake water levels
- 11) Adjournment – ***Rath moved to adjourn at 10:01 p.m. Thomson second. Motion carried.***

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

Village Board Meeting Minutes October 10, 2005

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:35 p.m. Roll called:
- | Present | Absent |
|----------------|-----------------------------------|
| Bill Barribeau | None |
| Joe Beach | Others Present |
| Roger Kaas | Jennifer Schaff, Village Engineer |
| Joyce Laux | Josh Van Lieshout, Coordinator |
| David Miller | Ellen Maxymek, Clerk |
| Jim Rath | |
| Carl Thomson | |

- 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 the September 26, 2005 Joint Meeting of the Village Board and Community Development Authority. Thomson second. Beach requested that the minutes be revised to include statements made by High Cliff Golf Course owner, Steven Bloemer, as to the amount of his purchase of the golf course, payments made on the mortgage principal, and the margin of profit of the golf course operation. Motion to approve minutes carried with changes to be noted.*

Barribeau moved to approve the minutes of the September 26, 2005 Village Board Meeting. Thomson second. Beach requested that the minutes be changed as to item 9)b) page 3 to include his statement that he is reluctant to allow changes to the parking area at American Legion Park making it an “extremely large parking lot that young children have to cross in order to use playground equipment.”. Motion carried to approve minutes with noted change.

- 5) Registered citizen comments on agenda items
- Jeff Rustick, Schuler & Associates, re 8)a) and 10)c).
 - Tom Schuler, Lakeshore Estates Ltd., re 8)a) and 10)c).
 - Lyle Wettstein, Vinton Construction Co., re 10)f).
- 6) PUBLIC HEARING: Special Assessments for Public Improvements in the Village of Sherwood, Wisconsin, installation of concrete curb, gutter, and storm sewer on Stommel Road
- Lee Fredericks, N8079 Stommel Road, commented that he reviewed the improvement specifications as well as the available Hopfensperger Development project plans and agrees with the urbanization design on the east side of Stommel Road. He questioned the urbanization plan for the west side of the road, however, saying that such roads are typically pitched toward the ditch which would be sufficient to drain the un-built rural parcels to the west. Other than for aesthetic appeal, Fredericks asked, why the urbanized section is needed. Engineer Schaff explained that the Village has a policy that fully reconstructed roads are urbanized as are all new road sections. Some yards drain to the west side of the right-of-way which is considerably lower than the east side. For the most

part, Schaff continued, the Stommel Road level will be lowered. Some areas will remain at the same level due to existing features. Fredericks asked for assurance that the area drainage plan will sufficiently handle drainage from the Hopfensperger plat. Schaff stated that storm sewer stubs are planned to service the plat properties. Future plans will specify dry detention on the Hopfensperger development. Fredericks expressed appreciation for the planning of the Hopfensperger plat roadway which intersects Stommel to the south of his homestead property line.

- Jeff Gloudemans, N8036 Stommel Road, commented that he was not informed of the potential special assessment when he purchased his Stommel Road home earlier in the summer although he asked if there were plans for road redevelopment at that time. Gloudemans believes he is paying comparatively more than the undeveloped but potential lots across Stommel Road. Van Lieshout explained that undeveloped and un-annexed properties have assessments deferred until such time as owners elect to annex and develop the property.

7) Consent Agenda

- a) Luke Moran – ***Barribeau moved to issue an Operator’s Permit to applicant Luke Moran. Beach second. Motion carried***

8) Report of the Plan Commission

1) Action Items

- a) Consideration and action to approve the preliminary plat for Phase 2 Lakeshore Estates East – Recommended approval of the preliminary plat for Phase 2 Lakeshore Estates East with modifications and contingencies as follows:
- Design/construct a stub street for potential development as a thru street in the event of future development to the north.
 - Design and construct a trail right-of-way which will connect the Natures Way Drive trail section and the Miller Pond Trail.
 - Convey 4.6 acres of land for potential well site and park development. Village will amend the future park planned use of property to the north of Nature Haven Estate. Lakeshore Estates Ltd. Lakeshore Estates plans development of this property in the future and agreed to restrict the deeds of the treed ravine lots to preserve the woodlands.

Barribeau moved to approve a preliminary plat of Phase 2 Lakeshore Estates East with the recommendations of the Plan Commission as stated. Kaas second. Motion carried.

- b) Consideration and action to withhold objection to a Certified Survey Map located in the NW1/4 of the NW 1/4 Section 33, Town 20 North, Range 19 East, Town of Woodville, Calumet County Wisconsin – Recommended approval without objection to a Certified Survey Map located in the NW1/4 of the NW 1/4 Section 33, Town 20 North, Range 19 East, Town of Woodville, Calumet County Wisconsin.

Barribeau moved to approve without objection a Certified Survey Map located in the NW1/4 of the NW 1/4 Section 33, Town 20 North, Range 19 East, Town of Woodville, Calumet County Wisconsin. Miller second. Motion carried.

2) For Information Only

a) Consideration and action to approve a conditional use permit for a professional auto refinishing and repair facility at W436 Veterans Avenue, Sherwood, Wisconsin – Approved the conditional use permit for a professional specialized auto refinishing and repair facility at W436 Veterans Avenue. Historical artifacts relating to the former auto business will also be housed in the building.

b) Consideration and action regarding Village of Sherwood Comprehensive Plan Village Policies – Reviewed and revised policy language.

9) Report of Village Officers

a) Financial Reports – Disbursement register, balance sheet, and budget comparison reports were reviewed.

10) Village Coordinator

a) Complaints and Compliments – None reported

b) Discussion regarding Mustang Retention Pond – Van Lieshout reported that Mustang Pond has been permitted by the Department of Agriculture as a fish farm. The permit expires December 31, 2005. Reapplication will be made in December for 2006. The permit will enable the Village to perform herbicide treatment of this retention pond. The Coordinator will contact the treatment contractor to determine whether it is beneficial to apply the chemical treatment in the cooler fall weather this year.

c) Discussion and action regarding home construction in Lakeshore Estates East – Van Lieshout reported that building permits for this development are not being issued due to the late project start of the storm water interceptor to which the Lakeshore Estates East detention pond will connect. He indicated that project construction is scheduled to begin the week of October 17. Easements are committed but unsigned to access the Sanderfoot property for storm sewer construction and maintenance. Engineer Schaff stated that since a plan is in place she feels there is limited risk of damage caused by storm water back-up. ***Barribeau moved to make Lakeshore Estates East building permits available contingent on receipt of signed easements for access to the Sanderfoot property, signed purchase agreements for necessary property acquisitions, continuation of the developer's commitment to pump excess storm water from the detention pond in the event of excessive rain events, and continuing to obtain hold harmless agreements from property owners desiring building permits. Miller second. Motion carried.***

d) Consideration and action to approve Village Health Insurance Plan for 2006 – ***Barribeau moved to approve continuation of the current health plan at new rates beginning November 1, 2005. Laux second. Motion carried.***

e) Consideration and action to approve Certificate for Payment Number 1, in the amount of \$135,168.20 to Badger Highways for work completed through September 13, 2005 –

Beach moved to approve engineer certified payment number 1 in the amount of \$135,168.20 to Badger Highway, Inc. for work completed through September 13, 2005 of the 2005 Asphalt Paving Program Contract No. S0017-950400.02. Barribeau second. Motion carried.

- f) Consideration and Action to award Pigeon Road and Stommel Road Street and Utility Construction to Vinton Construction Company in the amount of \$711,976.60 – Following bid openings in which Vinton Construction was the apparent low bidder, the contractor reportedly contacted Engineer Schaff, saying that they made an error in the bid and requesting that the Village agree to a change order adjusting the contract by an additional \$13,000. When contacted the Village Attorney advised that the Village has the option to award the contract according to the original bid; entertain the correction if the contractor remains the lowest bidder; or to award to the next lowest bidder if the change would make the Vinton contract higher. Schaff advised that the contract based on the original bid be awarded without changes or correction. Lyle Wettstein, a representative of Vinton, stated that although the request for adjustment was sincere, he was reasonably certain that the company would commit to the proposal price if that is the Board’s decision.
Barribeau moved to award the Pigeon Road and Stommel Road Street and Utility Construction contract to Vinton Construction Company in the amount of \$711,976.60. Thomson second. Motion carried on a unanimous roll call vote.

- g) Consideration and action regarding correspondence from Wisconsin Department of Natural Resources regarding the discharge of firearms within 500 ft of a home or public place of gathering in the Village of Sherwood – Reviewed correspondence from Department of Natural Resources stating the DNR conclusion “that the Village cannot prohibit the public from hunting within 500 feet of the shoreline of Lake Winnebago that constitutes the Village’s western boundary”. Van Lieshout reported that the Village can follow-up the conclusions by arguing that the stipulated case law does not apply; or by appealing to legislators for intercession; applying other ordinance provisions; or by doing nothing and letting DNR take corrective action. Discussion followed regarding state plan allowing hunting in High Cliff State Park beginning in 2006.

11) Presentation of correspondence, resolutions, and related matters

- a) Associated Appraisal – Reviewed a sample letter explaining the 2005 revaluation of property and reporting net change in assessment. Discussion focused on the estimated 2005 mill rate of \$19.00 per \$1,000 assessed value applicable to the Kaukauna School District and \$18.40 per \$1,000 assessed value in the Hilbert School District.

12) Adjournment – ***Rath moved to adjourn at 8:45 p.m. Miller second. Motion carried.***

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

Village Board Meeting Minutes
October 24, 2005

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:34 p.m. Roll called:
- | Present | Absent |
|----------------|--------------------------------|
| Bill Barribeau | None |
| Joe Beach | Others Present |
| Roger Kaas | Josh Van Lieshout, Coordinator |
| Joyce Laux | Ellen Maxymek, Clerk |
| David Miller | |
| Jim Rath | |
| Carl Thomson | |

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 October 10, 2005. Beach second. Beach requested correction of agenda item 10)c), page 3 of the minutes to record the second and approval of the motion at hand. Motion to approve minutes as revised carried.*

5) Registered citizen comments on agenda items – None.

6) Consent Agenda

a) Operators License

i) Katie Walbrandt – *Beach moved to approve the application for an operator’s license. Thomson second. Motion carried.*

7) Report of the Utility Commission

1) ACTION ITEMS:

a. Commissioners moved to approve the construction of a test well for drinking water quality enhancement contingent upon rights to drill test hole on 4.61 acre parcel.

b. Moved to approve David Petrie's annual private well permit

c. Moved to approve paving around the Spring Hill pressure reducing valve.

d. Moved to approve offer to acquire property for construction of Well #7.

Barribeau moved and Miller seconded approval and acceptance of the Report of the Utility Commission. Motion carried.

8) Report of Village Officers

a) Appointment of Howard Helker to Plan Commission (filling vacancy left by David Erdahl) – Beach initiated discussion regarding recruiting members of boards and commissions from diverse sections of the Village. *Barribeau moved to approve the*

appointment of Howard Helker to the Plan Commission. Thomson second. Motion carried unanimously.

- b) Financial Reports – Reports were reviewed.
- 9) Village Coordinator
 - a) Complaints and Compliments – Miller related a telephone complaint from resident Scott Andrews of unleashed dogs and violations of the time limit for parked vehicles and trailers.
 - b) Discussion regarding Mustang Retention Pond – Van Lieshout reported that herbicide treatment won't be applied to Mustang Pond until 2006 because the algae is under control with the onset of cool fall weather.
 - c) Discussion and action regarding Miller Stormwater Interceptor and Stommel Road Reconstruction – Construction of the interceptor has begun and some road delays are to be expected. The Pigeon Road/ Stommel Road Project will begin following a scheduled pre-construction conference next week. The storm sewer section of the project will be constructed this year with curb, gutter and paving to be substantially completed by June 30, with final completion by August, 2006.
 - d) Discussion and possible action regarding fees, fines and forfeitures – Fee, fine and forfeiture schedules were reviewed and adjusted as follows:

Zoning and Building Permit Fees – Barribeau moved to increase culvert inspections fees from \$201 single/\$402 duplex and commercial construction to \$350 and \$700 respectively and to refer possible changes in utility fees to the Utility Commission. Miller seconded. Motion carried unanimously.

Miscellaneous, License, Permit and Applications Fees – Barribeau moved to double all fees excluding those fees related to special events applications and deposits and fees which may be governed by Wisconsin Statutes. Miller seconded. Motion carried with Laux voting against.

Fines, Forfeitures, Charges Regulated by the Nuisance Ordinance – Miller moved to increase fines affecting health, offending morals and decency, affecting peace and safety, loud and unnecessary noise from \$50 to \$150; and to increase fines for second offense violations from \$100 to \$300. Barribeau seconded the motion. Motion carried with Beach voting against.

Fines, Forfeitures, Charges Regulated by the Attire and Conduct on Licensed Premises Ordinance – Laux moved to increase fines regulating attire and conduct on licensed premises, which currently range from \$50-\$300, to \$500-\$3,000 respectively. Barribeau seconded the motion. Motion carried unanimously.

Rath requested that the Village Attorney be consulted regarding statutory guidelines or limitations to fines, fees, and forfeitures before making these changes affective.

- e) Discussion and possible action regarding 2006 Village Budget – The budget was reviewed and numerous trustee suggestions for changes to line items were noted. These revisions are to be incorporated into the draft of the budget and will be reviewed at the next meeting of the Board. No actions were taken.
- f) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees union and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting – ***Kaas made motion to move into closed session per State Statute 19.85(1)(c) at 9:30p.m. Thomson second. Motion carried unanimously on roll call.***

Thomson moved to return to open session at 10:31p.m. Barribeau second. Motion carried unanimously.

- g) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting – ***Barribeau motioned to move to closed session per State Statute 19.85(1)(e) at 10:31 p.m. Thomson second. Motion carried unanimously on a call of roll.***

Kaas moved to return to open session at 10:46 p.m. Barribeau second. Motion carried.

10) Presentation of correspondence, resolutions, and related matters

- Beach reported that the fire department exchanged a corroded steamer cap on a hydrant near the fire station for one on the new hydrant at the SJ-SH Church property.
- Barribeau remarked on negative calls he received regarding the methodology used in the 2005 Revaluation Program. He stated a perception that the assessed values of uninspected properties were increased by a comparatively lower percentage than properties that were walked through. He requested an assessor's list of uninspected properties if available.

11) Adjournment – ***Miller moved to adjourn at 10:49 p.m. Barribeau second. Motion carried.***

Minutes respectfully presented for approval by Ellen Maxymek, Clerk.

Village Board Meeting Minutes November, 14 2005

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

Present

Absent

Bill Barribeau
Roger Kaas
Joyce Laux
David Miller
Jim Rath
Carl Thomson

Joe Beach, excused

Others Present

John Thiel, Village Attorney
Jennifer Schaff, Village Engineer
Josh Van Lieshout, Coordinator
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 Village Board meeting of October 24, 2005. Thomson second. Motion carried unanimously.*
- 5) Registered citizen comments on agenda items
- Helen Isferding, Representative of AFSCME, re agenda item 6). Isferding requested that the Village Board consider the status of Utility employee Gary Hess as it relates to possible outside contracting of utility related services.
- 6) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees of union and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

Kaas made motion to MOVE INTO CLOSED SESSION at 6:37 p.m. per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees of union. Thomson second. Motion carried unanimously.

Rath moved to return to open session at 7:02 p.m., to take further action, or to adjourn the meeting. Thomson second. Motion carried unanimously.

Van Lieshout reported that, pending the outcome of labor union negotiation, it is the opinion of the Village Board that there are insufficient work hours in the public works department to justify the cost of an additional employee.

- 7) Report of the Plan Commission – November 7, 2005
- 1) Items for Action by Village Board
- a. Consideration and action to approve a revised site plan for Outpost Bar and Grill – Recommended approval of a revised site plan for Outpost Bar and Grill, relocating the entrance approximately 160 to the west. Made no recommendation with regard to building of temporary driveway or credit against future special assessment for street construction. *Barribeau moved to approve the recommendation of the Plan*

Commission for a revised site plan moving the driveway layout. Also moved that the Village will construct a 36 foot wide roadway at a future date to be determined. Laux second. Motion carried.

- 8) Report of the Utility Commission – No Village Board action required.
 - 1) Action Items
 - a. Commissioners unanimously approved to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation and unanimously approved to RETURN TO OPEN SESSION.
 - 2) Discussion Items - None
- 9) Report of Village Officers
 - a) Financial Reports – Reviewed.
- 10) Village Coordinator
 - a) Complaints and Compliments
 - i) Scott Andrews regarding trailers and dogs – Andrews complained that trailers continue to be parked in driveways on Lake Breeze Drive, Palisades Trail, and Spring Hill Drive and questioned whether the Constable is compliant with ordinances pertaining to parked trailers and control of dogs. The Trustees asked that the Constable report to them in person periodically.
 - b) Discussion regarding Mustang Retention Pond – Van Lieshout reported that Developer Petrie brought a petition forward asking for concessions obligating the Village to extraordinary long term maintenance and changes to level of Mustang Pond in exchange for deeding the pond property to the Village. Van Lieshout explained that because the property was dedicated to the Village as a retention pond on the original plat and in the developer’s agreement it is not required that the property be deeded. While it would be beneficial to own the property, there is no particular need. No action was forthcoming.
 - c) Consideration and action to approve Change Order Number 1 in the amount of \$35,633.86, increasing the contract amount to \$170,802.06 – This change order, Van Lieshout reported, is primarily to increase the contract amount for unanticipated costs of extensive concrete curb and gutter replacement along with some overages in final quantities of asphalt. ***Barribeau moved to approve Change Order Number 1 in the amount of \$35,633.86, increasing the Badger Highway contract amount for 2005 asphalt paving to \$170,802.06. Thomson second. Motion carried unanimously.***
 - d) Consideration and action to approve Certificate for Payment Number 2 and final payment for the 2005 Asphalt Paving Program to Badger Highways, Inc. in the amount of \$35,663.86 – ***Barribeau moved to approve Certificate for Payment Number 2 and final payment for the 2005 Asphalt Paving Program to Badger Highways, Inc. in the amount of \$35,663.86. Kaas second. Motion carried unanimously.***
 - e) Consideration and action to approve Resolution 2005-13, 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, Wis. Stats. as Amended – ***Barribeau moved to approve Resolution 2005-13, 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, Wis. Stats. as Amended. Miller second. Motion carried on a roll call vote with Barribeau, Kaas, Laux, Miller, Rath, Thomson voting in favor. No votes against. No abstentions.***

- f) Discussion and possible action regarding Ordinance 04-88 Prohibiting the Discharge of Firearms on and over Lake Winnebago Within 500 Feet of a Village Dwelling or Public Place of Assembly – Van Lieshout reported an incident in which he was called out on a resident complaint of discharge of firearms. When approached the armed hunters refused to cooperate in the Village’s restriction against discharging firearms, stating that the DNR warden told them that the hunting was permissible under state statute. The hunters also refused to give their names. When called, Calumet County Sheriff Department did not want to become involved in the incident. Barribeau recommended holding off on enforcement activity until the DNR makes a declaration of which government authority has jurisdiction.
- g) Discussion and possible action regarding 2006 Village Budget – The budget was reviewed following changes suggested by the trustees at their previous meeting. The General Fund levy was budgeted at \$603,674. with an additional levy of \$5,980 budgeted for Debt Service Fund purposes. If approved at this level the Village portion of the mil rate is anticipated to be \$5.02. A public hearing regarding the 2006 Budget is scheduled on November 17 with consideration to approve the budget and ordinance appropriating funds after conclusion of the hearing.

11) Presentation of correspondence, resolutions, and related matters

- a) Discussion regarding correspondence from Aegis Corporation – Correspondence from the Village’s liability insurer referring defense of a summons and complaint served on the Village by Lakeshore Estates, LTD was reviewed.
- b) Discussion regarding correspondence from McMahon Associates – Correspondence from Village Engineer Schaff was reviewed. The updated status of the following projects was reported:

- Pigeon Road Reconstruction
- Stommel Road Reconstruction
- Storm Sewer Interceptor Construction
- Meadowcliff Pond
- Golf Course Road Storm Sewer Project/Forest Lane Reconstruction.

12) Adjournment – ***Thomson moved to adjourn at 8:28 p.m. Barribeau second. Motion carried unanimously.***

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

Village Board Meeting Minutes November, 17 2005

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

Present	Absent
Roger Kaas	Bill Barribeau, excused
Joyce Laux	Joe Beach, excused
David Miller	Others Present
Jim Rath	Josh Van Lieshout, Coordinator
Carl Thomson	Ellen Maxymek, Clerk

- 2) Pledge of Allegiance
- 3) Approval of the Agenda – *Laux moved to approve the agenda. Kaas second. Motion carried.*

- 4) Registered citizen comments on agenda items - None

- 5) PUBLIC HEARING: On the Proposed 2006 Budget of the Village of Sherwood. This hearing has been published and posted pursuant to Sec. 65.90 of the Wisconsin Statutes – Following three calls for public comment and hearing none, President Miller announced the hearing closed.

- 6) 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.

Kaas moved to proceed to closed session at 6:39 p.m. per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation. Thomson second. Motion carried unanimously.

Thomson moved to return to open session at 7:32 p.m. to take further action or to adjourn the meeting. Miller second. Motion carried unanimously.

- 7) Consideration and Action to adopt the 2006 Budget for the Village of Sherwood – *Laux moved to approve the 2006 budget as presented with condition that performance evaluations of exempt employees will be reviewed before compensation changes become effective. Miller second. Upon call of roll Kaas, Laux, Miller, Rath, Thomson voted in favor of the motion. No votes against. No abstentions. Motion carried unanimously.*

- 8) Discussion and action to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 05-92 – *Kaas moved to waive rule 9(a) of the Rules of the Village Board, enabling one reading of Ordinance 05-92. Rath second. Motion carried unanimously.*

- 9) Discussion and action to adopt Ordinance 05-92 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of Sherwood for the Year 2006 Budget – *Kaas moved to adopt Ordinance 05-92 Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village Of*

Sherwood for the Year 2006 Budget. Thomson second. On call of roll Kaas, Laux, Miller, Rath, Thomson voted in favor of the motion. No votes against. No abstentions. Motion carried unanimously.

10) Adjournment – ***Laux moved to adjourn at 7:40 p.m. Thomson second. Motion carried unanimously.***

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

Village Board Meeting Minutes
November 28, 2005

- 1) Call to Order and Roll Call – *President Miller called the meeting to order at 6:30 p.m. with roll call.*
- | | | |
|--|-----------------------|---------------------------------------|
| | <u>Present</u> | <u>Absent</u> |
| | <i>Bill Barribeau</i> | <i>Joe Beach (excused)</i> |
| | <i>Roger Kaas</i> | <i>Jim Rath (excused)</i> |
| | <i>Joyce Laux</i> | <u>Others Present</u> |
| | <i>David Miller</i> | <i>Jennifer Schaff, Engineer</i> |
| | <i>Carl Thomson</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 agenda. Laux second. Motion carried unanimously.***
- 4) Approval of Minutes - ***Barribeau moved to approve the November 14, 2005 and the November 17, 2005 meeting minutes. Laux second. Motion carried unanimously.***
- 5) Registered citizen comments on agenda items - *None*
- 6) Consent Agenda
- a) Operator's License
- i) Shari Lynn Andrews - ***Laux moved to approve the Operator's License for Shari Lynn Andrews. Kaas second. Motion carried unanimously.***
- 7) Report of the Utility Commission
- 8) Action Items
- a) Wetlands Impact Study – Approved Wetland Impact Study in an amount not to exceed \$7,500. - ***Kaas moved to approve the November 21, 2005 Utility Commission Report. Laux second. Motion carried unanimously.***
- 9) Information Only
- a) Wastewater Treatment Facility Update – Engineer recommended adding a third aerator as backup at a cost of \$75,000 if purchased and stored; or \$150,000 if installed. The plant, currently operating above its design capacity, would have difficulty meeting limits if one of the two current aerators were out of service. The third aerator would increase the plant’s capacity to a design population of approximately 3,800. No recommended action.
- b) Ammonia Limits – According to the engineer, the plant consistently meets the ammonia limits as specified in the WPDES permit Compliance Schedule.
- c) Headworks Heating and Ventilating – The engineer reported the difficulty in heating the headworks room during winter months when the ventilation system is drawing off heat. Ventilation must remain operational to remove noxious hydrogen sulfite gases. Engineer Rosenbeck was requested to study and return options to controlling the heating processes.

- d) Calgon Carbon Pilot Test Update – Bench testing of a carbon process for removal of hydrogen sulfites which cause poor water taste are preliminarily indicating that the expensive carbon treatment is occurring at 50% breakthrough time. This would mean that carbon treatment would double in cost from that anticipated. The engineer recommended running parallel testing of alternate methods of TOC removal.
- e) Discussion and possible action regarding Well 7 – Engineer Rosenbeck reported that a test well could be converted to a permanent well if tests show an acceptable water source. Therefore it is important to get DNR permit approvals before drilling begins. The permit application is currently in progress.
- f) Consideration and Action to recommend to the Village Board an Ordinance for Assessment Proceedings and Hook-Up Fees Imposed for Public Improvements Installed by Private Developers – No action will be considered until an appropriate sample ordinance is located and presented.
- g) Consideration and action to recommend to the Village Board to allow a permanent electric power easement on the water tower property – No action was recommended.

10) Report of Village Officers

- a) Financial Reports - *Discussion: Barribeau questioned \$472.50 payment to McMahon Associates, Inc for engineering of Hawkinson property (N303 Military Rd). Van Lieshout explained that the expense is in regard to ongoing legal matters, Village of Sherwood vs. Hawkinson. McMahon surveyed the corners of the Hawkinson property and house. After researching the deeds, it was discovered that Hawkinson had combined the two parcels into one meets and bounds description during his last property transaction. A brief was sent to the Honorable Judge and there will be a teleconference on December 12, 2005.*

In response to Kaas, Van Lieshout stated that the \$6,111.04 payment to Native Solutions is for payment in full of the Mustang Pond Project.

Van Lieshout stated that the projected 2005 Mil rates and lottery credits are as follows: Kaukauna School - \$19.09 Mil rate and \$79.85 Lottery Credit, Hilbert School - \$20.11 Mil rate and \$77.95

11) Village Coordinator

- a) Complaints and Compliments - *None*
- b) Consideration and action to approve Certificate for Payment Number 1 for Pigeon Road and Stommel Road Street and Utility Construction in the amount of \$118,672.67 - ***Barribeau moved to approve Certificate for Payment Number 1 for Pigeon Road and Stommel Road Street and Utility Construction in the amount of \$118,672.67. Thomson second. Motion carried unanimously.***

- c) Discussion and possible action regarding Ordinance 04-88 Prohibiting the Discharge of Firearms on and over Lake Winnebago Within 500 Feet of a Village Dwelling or Public Place of Assembly - *Discussion: Van Lieshout referred to Barribeau. Barribeau emphasized that he did not speak directly to the DNR lawyer. According to Barribeau, the "second-hand notification" (voicemail) from the DNR lawyer indicated that the County would have jurisdiction to create such an ordinance, the Village does not have control. Barribeau suggested that the Village "probably doesn't want to do anything until we know for sure what is happening."*
- d) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees union and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

Miller made a motion to MOVE INTO CLOSED SESSION at 7:08 p.m. per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees union. Barribeau second. Motion carried unanimously.

Barribeau moved to RETURN TO OPEN SESSION at 7:30 p.m. to take further action or to adjourn the meeting. Thomson second. Motion carried unanimously.

- 12) Presentation of correspondence, resolutions, and related matters
 - a) Discussion regarding correspondence from Crivello, Carlson, & Mentkowski re: Lakeshore Estates, Ltd, v. Village of Sherwood - *Van Lieshout explained that the correspondence is the response from Village of Sherwood to Lakeshore Estates Ltd.*
 - b) Time Warner Cable - *2006 customer rates*
 - c) Notice of Public Hearing from WDNR regarding White Clover Dairy Inc. WPDES permit application - *Per correspondence, Van Lieshout explained that the facility is located on Hwy 55, north of Sherwood Village. Persons may comment on, object to, or request a public hearing by writing to the DNR at the permit drafter's address.*

Other Matter:

There will be no Village Board meeting during the week of December 26, 2005. The next Village Board meeting is scheduled for January 9, 2006.

- 13) Adjournment - ***Barribeau moved to adjourn at 7:31 p.m. Kaas second. Motion carried unanimously.***

Respectfully submitted for approval by Kathy Mader, Finance Clerk

Village Board Meeting Minutes December 12, 2005

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

Present	Absent
Bill Barribeau	None
Joe Beach	Others Present
Roger Kaas	Jennifer Schaff, Village Engineer
Joyce Laux	Josh Van Lieshout, Coordinator
David Miller	Ellen Maxymek, Clerk
Jim Rath	
Carl Thomson	

- 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 November 28, 2005. Laux second. Motion carried.*

- 5) Registered citizen comments on agenda items
 - Cynthia Mueller, N7630 State Park Road, re agenda item 10)b).
 - David Petrie, N7986 Stommel Road, presented a petition expressing the desire of the signors to reconstruct Stommel Road in a rural design without curb and gutter.

- 6) Consent Agenda
 - a) Operator's License
 - i) Stacy Wyngaard – *Barribeau moved to disapprove issuing an operator's license. Kaas second. Motion carried unanimously.*

 - ii) Jacci M. Lemke – *Barribeau moved to approve issuance of an operator's license. Laux second. Motion carried unanimously.*

- 7) Report of the Plan Commission
 - 1) Items for Action by Village Board
 - a. Discussion and action to approve a concept plan for Lakeshore Estates South (Fka Grode Property) – Recommended approval of concept plan submitted by Lakeshore Estates Ltd. for Lakeshore Estates South. *Barribeau moved to accept the recommendation of the Plan Commission approving a concept plan for Lakeshore Estates South submitted by Lakeshore Estates Ltd. Laux second. Motion carried unanimously.*

- 8) Report of Village Officers
 - a) Financial Reports – Financial reports reviewed. On inquiry from Laux it was noted that remodeling of the Village offices is one-half complete.

9) Village Engineer

- a) Discussion and possible action regarding overland flow in Stommel Road right of way – Engineer Schaff described a potential overflow of storm water discharge from Mustang Pond during a 100-year, 24-hour storm event. Modeling showed that this water would pond in the roadway for approximately 15 hours if the planned trail crossing sited south of the pond at Cliffview Drive is constructed with elimination of ditches to the north of Cliffview. Retaining the ditch structure to the end of the pond would alleviate the potential ponding of discharge water. ***Kaas moved to relocate the proposed Stommel Road trail crossing to a point approximately perpendicular with the end of Mustang Pond in order to accommodate a 100 year storm event discharge from Mustang Pond; then to extend the behind the curb trail to a point perpendicular to the north boundary of the Hopfensperger/Farmington Meadows plat. Laux second. Motion carried unanimously.***

10) Village Coordinator

- a) Complaints and Compliments – None.
- b) Consideration and action regarding request of the Friends of High Cliff State Park for funding assistance with High Cliff/Sherwood history project – Cynthia Mueller represented Friends of High Cliff in the search for funding to complete an oral history of the Sherwood and High Cliff area. A professional technical production firm will create a CD/DVD and interactive computer program for school and community use. Van Lieshout noted that this project will fit well with the cultural resources element of the Smart Growth Plan. Rath stated that the unique elements of the project merited support. ***Barribeau moved to approve a \$1,000 donation to Friends of High Cliff State Park to assist in the production of a High Cliff/Sherwood oral history project. Miller second. Motion carried unanimously.***
- c) Discussion and possible action regarding a hotel/motel room tax – ***Barribeau moved to instruct counsel to draft a hotel/motel room tax ordinance. Miller second. Motion carried with Laux opposed.***
- d) Discussion and possible action regarding Ordinance 04-88 Prohibiting the Discharge of Firearms on and over Lake Winnebago Within 500 Feet of a Village Dwelling or Public Place of Assembly – ***Barribeau moved to table the matter until a comparable ordinance is constructed at the county level. Kaas second. Motion carried unanimously.***
- e) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and then RETURN TO OPEN SESSION to take further action or to adjourn the meeting. ***At 7:44 p.m. Miller moved to proceed into closed session per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation. Barribeau second. Motion carried unanimously.***

Kaas moved to return to open session at 9:57 p.m. to take further action or to adjourn the meeting. Seconded by Barribeau. Motion carried.

11) Presentation of correspondence, resolutions, and related matters

- a) Correspondence from County Administrator Bill Craig – Correspondence reviewed.
- b) Correspondence to Town of Harrison regarding yard waste disposal – Van Lieshout initiated discussion regarding a joint yard waste disposal operation in the interest of cost savings.

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

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