

Village Board Meeting Minutes January 14, 2008

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

| | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Randy Friday, Administrator |
| David Miller | Jennifer Schaff, Engineer |
| David Petrie | Nick Vande Hey, Engineer |
| Jim Rath | Christine Symchych, Planner |
| Carl Thomson | Ellen Maxymek, Clerk/Treasurer |

2) Pledge of Allegiance – Recited

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

4) Approval of Minutes

a) Dec. 10, 2007 – *Barribeau moved to approve the minutes. Rath second. Motion carried.*

5) Public Hearing: Levying of Special Assessments on Pigeon Road for curb & gutter, storm sewer work – This public hearing was held due to an approximate 11% increase in the final project costs over those estimated in the original assessment roll.

- Tim Stevenson, N7916 Pigeon Road, was present to learn the terms of the special assessment.

a) *Resolution #2008-01: Consider/Approve levying of special assessments – Barribeau moved to approve Resolution No. 2008-01 and to establish the final rate for concrete curb and gutter at \$10.83 and for storm sewer per developable lot at \$2,119.55. Special assessments shall be due within 30 days of billing or in 5 annual installment, the first to be paid within 30 days of billing, with the 4 remaining installments placed on the next and succeeding tax rolls. Installment balances shall bear interest from the date of billing at 4.38% per year with installments not paid when due to bear interest at 1% over the above rate. Rath second. Motion carried unanimously.*

6) Presentations:

a) Comprehensive Plan – Christine Symchych, Planner, Foth & Van Dyke, presented the Village of Sherwood 2030 Comprehensive Plan as recommended by the Plan Commission for adoption. The plan will be brought for adoption after required distribution, notice, and public hearing.

b) Proposed Stormwater Ordinances – Engineer Nick Vande Hey, McMahon Associates, presented revised drafts of the Illicit Discharge and Connection Ordinance; the Construction Site Erosion Control Zoning Ordinance; and Post-Construction Stormwater Management Zoning Ordinance. The Village Attorney reviewed and revised these ordinances and returned them with comments. He also offered a sample Stormwater Facilities Construction

and Maintenance Agreement for review. Revisions were made by the Board and will be discussed further with Attorney Carlson. The ordinances will be returned for a public hearing and adoption after appropriate publication of notices.

7) Report of the Utility Commission:

1) December 17, 2007 Meeting – Items for Action by Village Board

- a) Consider/Recommend approval of contract award recommendation for new Force Main to WWTF – *Commissioners recommend awarding the contract to Dorner, Inc, in the amount \$709,150.10, contingent upon DNR approval of the plans and acquiring required DNR permit for working next to wetlands.*

Friday reported that the DNR will require an archaeological survey of the forcemain corridor, due to references on old maps of possible archaeological or historical sites.

Barribeau moved to approve the recommendation of the Utility Commission, awarding Contract S0011-96046, for 2008 Force Main Construction, to low bidder Dorner, Inc., in the amount \$709,150.10. The approval is contingent upon DNR plan approval, permit issuance, and acceptable archaeological survey. Rath second. Motion carried unanimously.

- b) Consider/Recommend approval of Notice of Intent for State-sponsored drinking water loan program – *Commissioners resolved to approve Randy Friday, Village Administrator, as authorized representative. Commissioners recommend approval of Notice of Intent for State-sponsored drinking water loan program.*

Barribeau moved to approve the recommendation of the Utility Commission to file a Priority Evaluation and Ranking Form for Safe Drinking Water Loan Program. Rath second. Motion carried unanimously.

- c) Discuss new water tower: Location, structure size, system connections, etc – Commissioners recommend Alternate #1 – Connection to LPZ, site #6 in the amount \$477,500, subject to the Village Board decision whether or not to increase TIF fund availability for the project to allow for Alternate #2 – Relocate HPZ Booster Pump, Site #6 (\$697,500), with Option #1 – High Pressure Zone- Loop Connection (\$110,000).

Miller moved to approve Low Pressure Zone Water Tank Site (identified as Alternate #1 Site #6 located near the rodeo grounds) at a cost of \$477,500 contingent on obtaining updated cost report from Village engineers. Laux second. On a call of roll Barribeau, Kaas, Laux, Miller, Petrie, Rath and Thomson voted in favor of the motion with none voting against.

- d) Review/Approve Sewer Rate Study Proposal directive – *Commissioners requested the Administrator to compile request for proposals. Administrator advised this is an unbudgeted item for 2008.*

Friday reported that a Sewer Rate Study, although not included in the 2008 Sewer Fund budget, needs to be accomplished. Expected study cost are likely to range from \$5,000-\$7,000.

2) For Information Only

- a) Consider Recommendation approval of proposal for water aquifer analysis & testing regarding new Village water source – *Village engineer stated that he had not received the proposal requested from Layne-Northwest, a division of Layne Christensen Company. Commissioners agreed to hold a special meeting on Thursday, December 20, 2007 at 9:00 a.m. to discuss the two proposals. The engineer stated he expects the proposals to be, at a minimum, between \$40,000 and \$50,000.*

Barribeau suggested that the Administrator contact the Calumet County Groundwater Specialist for information regarding the long-term viability and quality of the St. Peters Aquifer.

- b) Consider 5-Year Capital Plan: *Water & Sewer components – reviewed.*

3) Non-Agenda Item

- a) *Dan Stein, W5142 Park Dr, presented the Commissioners with a jar of water, removed from his water filter system, which contained floating particles. Mr. Stein suggested the particles may be copepods, which were present in his water in 2002. Mr. Stein stated he had not changed the filter for approximately eight months. Commissioners directed an analysis be conducted on the jar of water. MCO representative stated the sediment could be the result of fall flushing.*

1) December 20, 2007 – No Action required by the Village Board

- a. Consider/Recommend approval of proposal for water aquifer analysis & testing regarding new Village water source: Continued discussion from December 17, 2007 – *Commissioner recommended to table.*
- b. Disbursement and Financial Report – *Commissioners recommend acceptance of \$890.00 amendment to the \$9,007.00 Water Well Solutions proposal for repairs at Well #5.*

2) Items not on Agenda

- a. *Engineer discussed further water source testing. Commissioners requested the engineer to schedule a deep well test to be conducted at the Test Well #7 site on the St. Peter's Sandstone aquifer. The engineer stated the cost would be approximately \$5,000.00. The engineer explained a deep set pump would be placed at 250 feet for the testing.*

8) Report of the Plan Commission: Jan. 7, 2008

1) Action Items for Consideration by the Village Board

- a. Consider/Approve Resolution #2008-03: Recommendation of the Plan Commission to adopt the Village of Sherwood Year 2030 Comprehensive Plan – *After reviewing and making changes as needed to the plan text and maps, the Plan Commission moved to approve Resolution 2008-03 Recommendation of the Plan Commission to Adopt the Village of Sherwood Year 2030 Comprehensive Plan.*

The Village Board consider adoption of the 2030 Comprehensive Plan after a final draft is printed and distributed as required by statute. A 30-day notice and public hearing is also required before adoption.

9) Report of Village Officers

a) Village President – No report.

b) Clerk/Treasurer

i. Review financial reports

(a) Review Disbursements Paid 12/07/2007 – 1/11/2008 – Disbursements were reviewed.

(b) Approve Unpaid Disbursements – *Barribeau moved to approve payment of vouchers listed as In Progress Disbursements. Kaas second. Motion carried unanimously.*

Barribeau moved to exclude the following items from payables requiring Board approval in advance of payment: payroll and payroll related payables; utility payables; insurance payables; credit card and similar charge accounts, which, if not paid by due date, will have finance charge or penalty added. Rath second. Motion carried unanimously.

(c) Balance Sheets – Balance sheets were reviewed.

ii. *Resolution #2008-02 – Consider/Approve levying of special assessments against properties on Stommel Road for curb & gutter, storm sewer, sewer, and water lines. Barribeau moved to approve Final Resolution No. 2008-02 Authorizing Public Improvements and Levying Special Assessments Against Benefited Properties in the Stommel Road Assessment District and to establish the final rate for concrete curb and gutter at \$8.46 per frontage foot; for storm sewer per parcel at \$1,667.26; water main lateral at \$808.34 per parcel, and sanitary sewer lateral at \$2,375 per parcel. Special assessments shall be due within 30 days of billing or in 5 annual installments, the first due within 30 days of billing, with the 4 remaining installments placed on the next and succeeding tax rolls. Installment balances shall bear interest from the date of billing at 4.38% per year with installments not paid when due to bear interest at 1% over the above rate. Rath second. Motion carried. Petrie abstained.*

iii. High Cliff Cemetery: Consider/Approve ‘Sale of plot’ (Eckes) *Miller moved to approve. Thomson second. Motion carried unanimously.*

iv. High Cliff Cemetery: Consider/Approve ‘Agreements for Perpetual Care’ (ibid) *Miller moved to approve. Thomson second. Motion carried unanimously.*

v. *Arbitrage Monitoring Services:* Consider/Approve request for contract service (Ehler’s) – Maxymek reported that Ehlers will provide services related to arbitrage

provisions encumbering the 2004 tax exempt general obligation notes. Arbitrage provisions limit the amount of interest earned and retained on the borrowed funds. Debt proceeds unspent 36 month beyond the date of sale are subject to the provisions. ***Laux moved to approve the Ehlers contract to provide arbitrage monitoring services. Petrie second. Motion carried unanimously.***

- c) Constable (see attachment) – ***Rath moved to accept the Constable’s Report. Barribeau second. All in favor.***

10) Village Engineer

- a) STH 114/55 configuration: Update – Engineer Schaff reviewed the Department of Transportation’s 2007-2012 Proposed Highway Improvement Program. Of particular interest, she noted, are the planned reconfigurations of intersection of Hwy. 114/55 and Hwy. 114/CTH “N” both scheduled for construction in 2010.

- b) Knight Drive layout: Update – Schaff reviewed 4 options for future extension of Knight Drive. All of the options had drawbacks but discussion was opened. Friday described a potential to swap undeveloped Village owned property for RBH owned property.

- c) *Force Main to WWTF*: Archaeological survey necessary – Schaff stated the DNR requirement for an archaeological survey due to potential cultural/historical impact of the forcemain construction. Friday reported that he approved the expenditure expected to be less than \$2,000 for the archaeological survey.

- d) *General Engineering Service Contract for Small Projects*: Consider/Approve contract with McMahon Associates – ***Kaas moved to approve the McMahon Associates General Engineering Agreement for projects of less than \$5,000, subject to the project approval of Administrator Friday. Petrie second. Motion carried unanimously.***

11) Village Administrator

- a) Yard Waste site: Update – Friday laid out an anticipated two-year development plan for a yard waste site for Village resident use only. The site, to be located on Village owned property at Kessler Road, east of CTH “M”, is anticipated to have development costs of estimated \$11, 085 in 2008 and \$9,182 in 2009 including labor costs to man the facility. The Administrator stated that the Town of Harrison has approached him to determine Village interest in a using their yard waste site if developed along Hwy. 10. The Board took no action but gave a go-ahead to proceed with planning including a wetland delineation study at a cost of \$1,950. The Board expressed a lack of interest in a shared endeavor with neighboring towns.

- b) Village Board Chambers/Meeting Room: Consider/Approve remodeling of space at Village Offices site for future meeting room – Friday presented layout options and cost projections to renovate unused office space and hall area in the office plaza for use as Board chambers and meeting room purposes. The project will require a budget amendment, since as a whole it was not anticipated in the current year budget, however, the General Fund undesignated fund balance is more than ample to finance the costs of the renovations. ***Rath moved to proceed with the board chambers/meeting room plan/build project. Kaas second. Motion carried unanimously.***

- c) Post Office site: Consider *Resolution* regarding ideas and options for possible new location – Congressman Tom Petri will lend his support to plans for a new Sherwood Post Office site. He will need a resolution signed by the Village Board outlining and supporting the project before he can proceed. Friday will develop the resolution and return it on the next agenda.

12) Complaints and Compliments:

- a) Richard Michael Otto – 7886 Creekside Drive (grass) – Mr. Otto complained that the snow plow damaged his grass and asked for repair by the Village. The Public Works Supervisor reported that the Village does not customarily repair such damage. The Administrator conveyed this information to the resident.
- b) Chris Medo – 8065 Lake Breeze Drive (drainage) – In response to his complaint of a drainage problem, Friday informed the complainant that he will visit the site in the spring when the drainage problem can be viewed.
- Petrie noted a complaint from Robert Giesen, Cliffview Drive, that an unshielded light at Well #5 & 6 is shining into his residence.
 - Petrie reported a request from Nancy Bastjan, Cliffview Drive, for plowing the trails. Maxymek reported that the Board decided against plowing in prior years in an effort to keep taxes in line.

13) Correspondences: None

14) Adjournment – Thomson moved to adjourn at 10:40 p.m. Kaas second. Motion carried.

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

Village Board Meeting Notice and Agenda January 28, 2008

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:34 p.m. with roll call:
- | | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| Jim Rath | |
| Carl Thomson | |

Although a quorum of the Village of Sherwood Utility Commission, Roger Kaas, Jim Rath, Milan Deprez were present at this meeting, their presence was for informational purposes and incidental to the business of the meeting. No action was taken by the Utility Commission.

- 2) Pledge of Allegiance – Pledge recited.
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Thomson second. Motion carried.*
- 4) Approval of the Consent Agenda
- a) Operator’s Licenses (Joseph Schneider; Nicole Vanharen) – *Barribeau moved to approve issuing licenses to both applicants. Thomson second. Motion carried unanimously.*
- 5) Approval of Minutes
- a) January 14, 2008 – *Barribeau moved to approve the minutes of the January 14, 2008 meeting. Kaas second. Motion carried.*
- 6) Presentations:
- a) FY2006 Audit – Amy Manthey, Virchow Krause & Company gave an overview of the 2006 audit. Manthey was pleased to report the auditors were able to issue an unqualified opinion. She continued, reporting the impact on audit requirement going forward due to heightened GASB requirements. These have brought about increases in audit costs and necessary personnel resources.
- b) Water System: Discuss new water source, tower, and related costs – Gary Rosenbeck, McMahan Associates, presented a broad overview of the history and geology of Sherwood’s water resources and well system. He outlined the probable quality and quantity of the resource and the long range alternatives for sustaining both far into future. In that regard, Rosenbeck discussed comparative capital and operating costs to build, pump, treat, and store water, from our own system, or purchased from Appleton or Menasha. Because TIF funding will finance any of the alternatives, the Village Board will ultimately decide upon the best alternative.

7) Report/s of the Utility Commission

1) For Information Only: January 17, 2008 – The Village Board reviewed the report of the Utility Commission as follows without action.

a. New Water Source: Discuss final recommendation(s) for Village Board consideration regarding a new water source (new well vs. outside source

i. *Rosenbeck reported (via telephone) that he had recently spoken to Mike Buettner, Appleton Water Department, and learned discussion of the Village of Sherwood request for water will held during the Appleton Utility Committee meeting in January. Buettner expects the utility committee's recommendation to be discussed at the mid-February city council meeting.*

ii. *At the December 20, 2007 special meeting, Rosenbeck had recommended a deep well test be conducted at the test well #7 site at an approximate cost of \$5,000. Rosenbeck received a \$4,800 proposal (1/9/08) from Badger Well Drilling to drill the test well #7 site deeper and install a test pump for four hours to clear and collect the sample. Item will be azenized for the January 21, 2008 meeting.*

iii. *Rosenbeck recommends, alternately to the deep well test, removing the pump from the existing well at High Cliff Supper Club, then abandoning the well from 450' to 665', and reinstalling the pump for water test and test pump for 2 hours at a proposed cost (Badger Well Drilling, 1/9/08) of \$2,850. Item will be azenized for the January 21, 2008 meeting.*

iv. *Rosenbeck recommends water aquifer analysis and testing at an approximate cost of \$40,000 to \$50,000 is still an option, parallel or independent of the deep well test or the pumping at the existing High Cliff Supper Club well. Item will be azenized for the January 21, 2008 meeting.*

v. *Friday reported he had received a call from a representative of the Menasha water department in regard to the Village of Sherwood purchasing water from them. Item will be azenized for the January 21, 2008 meeting.*

b. Utility Operator – *Randy Much, MCO, stated the results of the water sample from W5142 Park Dr indicate the presence of copepods. Much will discuss the presence with experts and make a report at the February meeting.*

1) Items for Action by the Village Board: January 21, 2008 – The Village Board reviewed the Utility Commission report as follows taking action as recorded in item d).

a) Water Tank: Consider cost estimates and updates and Water System pumping options: Consider alternatives to current system and cost estimates for realignment with new water source – *Commissioners recommend Alternative #2 at a cost of \$662,000, with the contingencies that all of the Alternative #2 items are TIF eligible and there is full Village Board approval.*

b) Water quality testing: Consider test drilling at other sites (e.g. High Cliff Supper Club) - *Commissioners recommend pumping the existing well at High Cliff Supper Club by removing the pump, abandoning the well from 440' to 665', and then reinstalling the pump*

for the water test at a cost of \$2,850 and requesting North Shore Country Club to allow quality tests (Radium, Arsenic, and Hardness) be conducted on water from their irrigation well at a cost of \$650.

- c) Water Source: Consider alternative water sources (e.g. Appleton; Menasha) – Commissioners tabled discussion until the Appleton council has considered the Village request and has issued a response.*
- d) Lift Station #3 (High Cliff): Consider stabilization of new structure – Commissioners recommend approval of the RaiseRite \$7,900 proposal to install four helical piers for stabilization of the new chemical feed building.*

Village Board: Rath moved to approve an expenditure of \$7,900 (RaiseRite proposal) to stabilize the new chemical feed building. Petrie second. Motion carried unanimously.

- e) Request to review excessive water usage (Stein; W634 Military Road) – Commissioners recommend to table discussion until the Steins are able to be present for the February meeting.*
 - f) MCO Contract Extension: Request for extension and increase (FY2008) – Commissioners recommend approval of 3.5% contract increase with MCO for 2008. The base contract amount is \$115,408 with \$19, 132 health and liability insurance over and above the base contract amount for an estimated total contract amount of \$134,540.*
- 2) For Information Only
- a) Water aquifer analysis & testing for new water source: Consider proposal(s) for testing deep water aquifer – Commissioners recommend the item remain tabled (December 2007).*
 - b) Utility Operator – At the operator’s suggestion, the commissioners request future discussion regarding implementation of a seasonal water ordinance.*
 - c) Water analysis (Stein sample): Review findings – Commissioners discussed the results from the microscopic exam of the water sample. Randy Much, MCO, stated he will be in contact with field experts from Montana University on how to rid these organisms from the water system. Much will report at the February meeting.*
 - d) Stommel Road station: Request to place light shade to reduce glare – Operator reported the light shade was placed on January 14, 2008.*
 - e) Wisconsin DNR – Annual inspection of water system – Inspection report states that the system is operated as efficiently as possible. The system has been in violation of TTHM at well #5 and the village needs to resolve the violation. The report suggests the Village consider purchasing water from the City of Appleton, Menasha, or from the Waverly Beach Sanitary District.*
 - f) Wisconsin DNR – Force Main Project (archaeological survey needed) – Commissioners agreed the project engineer should proceed as instructed in the letter.*

8) Report of the Parks, Recreation, and Urban Tree Board (PRUT): Jan. 16, 2008 – The Village Board reviewed the report without action.

1) For Information Only

- a. Sherwood Area Youth Sports Association (SAYSO) – *SAYSO representative Doughman reported that the YMCA is taking over the administration of the SAYSO soccer program. The youth baseball may follow suit if adult leaders do not step forward. SAYSO will continue to provide coaches and will fundraise to maintain facilities and purchase equipment. SAYSO is contracting for the installation of storage cages in the new Wannick Park Storage Building to segregate its equipment.*
- b. Tree planting policy – *PRUT Member Kirschling reviewed a proposed tree planting policy for Miller Pond area.*
- c. Urban Forestry Policy – *PRUT Board reviewed Sections I-XI of the draft Urban Forestry Policy, revising as needed. Review of the policy will continue at the next PRUT meeting.*
- d. Budget items
 - i. General Fund – *The Administrator reviewed the 2008 Budget requests and related budget approvals.*
 - ii. Capital Projects – *The Administrator reviewed the 5-Year Capital Improvements Plan.*

9) Report of Village Officers

a) Village President – No report.

b) Clerk/Treasurer

- i. Approve Vouchers and Financial Statements – ***Rath moved to approve vouchers for payment as presented. Thomson second. Motion carried unanimously.***
- ii. Intergovernmental Agreement between Calumet County and the Village of Sherwood for the Payment of Special Charges – ***Miller moved to approve an intergovernmental agreement with Calumet County limiting the final settlement of special charges paid to the Village of Sherwood Treasurer by the Calumet County Treasurer to \$1,000 per special charge up to a maximum of \$2,000 per parcel which have been included on the tax roll and which have not been previously paid to or retained by the Village Treasurer. Kaas second. Motion carried unanimously.***

10) Village Engineer

- a) Knight Drive Extension: Update – Engineer Schaff stated that Joe Smet, Sr., after expressing some initial interest in granting an easement for road access to Hwy. 114 across his property, adamantly withdrew his cooperation. Seemingly Smet's decision against an easement was tied to the intent of State Park Estates developer, RBH, LLC to subdivide currently landlocked property if access to Hwy. 114 was available. Trustee Petrie offered to contact Mr. Smet to discuss his stance on the issue.

- b) Force Main Project: Update – Schaff reported that the DNR has requested the involvement of East Central Wisconsin Regional Planning Commission before they give further approval to the project. They want ECWRPC to review the force main for potential impact on surrounding property particularly where it transects Town of Woodville land as sewage is conveyed to the Sherwood Wastewater Treatment Plant.

11) Village Administrator

- a) Discuss changing name of Village newsletter (Laux) – The Administrator stated that Trustee Laux has concern with the change of the newsletter name to *Cliff Notes*. Laux believes that the name does not convey an occupation with the broader area and population of Sherwood outside of the High Cliff section. Friday suggested that the Board give thought to the matter and contact him with further suggestion for follow-up.
- b) Sherwood Lions Football: Request for “perpetual use rights of property and facilities” – David Van Elzen, President of Sherwood Lions Football Organization would like to pursue an agreement with the Village for perpetual “use rights” of Village property and facilities. He prepared and submitted a list of issues and concerns. Friday described the submission as having two tiers; first, the working relationship between the Village and the football organization; second, questions regarding the potential erection of a modern facility to replace the existing pavilion and washroom buildings and allowing the group to have perpetual use of the land and facilities. Friday stated that it is not in the best interests of the Village to give away Village assets in perpetuity and at no financial benefit. However, Friday stated it is time to set aside the rancor of past interactions, and concentrate on developing a positive working relationship. To that end, Friday will schedule a meeting with Van Elzen and Village representatives in the near future.
- c) *Resolution 2008-04: Support for construction of post office building – Petrie moved to approve Resolution 2008-04: Declaring Support for Construction of Building To Be Used as a U.S. Post Office. Kaas second. Motion carried with Barribeau, Kaas, Laux, Miller, Petrie, Rath, Thomson in favor. None opposed.*
- d) Public Works garage addition: Update – Trustees Kaas and Miller have looked at recently built garage facilities in both Town and City of Brillion along with the Public Works Department personnel and the Administrator. They believe a similar facility could be built at a ballpark cost of \$350,000. The existing garage would be used for additional storage. The facilities sub-committee will continue developing plans.

12) Complaints and Compliments: None

13) Correspondences: Village resident Jerry Maynard requests that the Village promulgate a position in favor of opening the south entrance and road through High Cliff State Park.

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

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

Village Board Meeting Minutes February 11, 2008

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:31 p.m. with roll call:
- | | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | David Miller |
| Roger Kaas | David Petrie |
| Joyce Laux | Others Present |
| Jim Rath | Jennifer Schaff, Engineer |
| Carl Thomson | Randy Friday, Administrator |
| | Ellen Maxymek, Clerk/Treasurer |
- 2) Pledge of Allegiance – Pledge recited.
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Thomson second. Motion carried.***
- 4) Approval of Minutes – None available.
- 5) Presentations:
- a) High Cliff Triathlon – Gloria West, Midwest Sports Events, presented a permit application and synopsis of detailed plans for the High Cliff Triathlon event to take place on June 22, 2008. The course and event strategies remain essentially the same as the 2007 event. Permit application fees have been paid and a certificate of insurance provided. A surety or cash bond of \$5,000 will be provided to the Village in advance of the event which will indemnify and hold the Village or its agents harmless from liability as required by Special Events Ordinance No. 91.
- 6) Report of the Plan Commission – Having no business, the Plan Commission did not meet.
- 7) Report of Village Officers
- a) Village President – No report.
- b) Clerk/Treasurer
- i. Review financial reports – ***Barribeau moved to approve vouchers as presented. Kaas second. Motion carried unanimously.*** The balance sheet was reviewed.
- ii. Auditor’s Communication to Those Charged with Governance – The Board reviewed a required auditor’s communication dated January 25, 2008 without comment.
- 8) Village Engineer
- a) Force Main Project: Update – Engineer Schaff reported that the force main project is on track. East Central Wisconsin Regional Planning Commission will review the project internally but no formal meeting will be required. Some changes in easements are needed and the engineer is working on getting those signed.

- b) FY2007 Asphalt Paving Contract: *Change Order #1* reduction request – Change order #1 decreasing the 2007 Asphalt Paving Program Contract by \$40,419.38 was presented. The change order was necessary to correct the original materials quantities estimated in the bid specifications to actual quantities. The new contract price is \$57,992.57. ***Barribeau moved to approve Change Order #1 decreasing the 2007 Asphalt Paving Program Contract \$40,419.38 to \$57,992.57. Thomson second. Motion carried unanimously.***
- 9) Village Administrator
- a) Sherwood Lion’s Football Program: Update – Administrator Friday reviewed notes [attached and incorporated in these minutes] from a meeting on February 11 with Sherwood Lions Football Program representative Dave Van Elzen. Trustee Rath and Public Works Department personnel Scott Nadler and Bill Diedrick also attended. Rath stated that progress was made toward establishing a positive working relationship with the youth football group without burdening Sherwood taxpayers in support of the private organization.
- b) Capital Projects: Update
- i. Yard Waste Site – Friday reported that DNR personnel Marcy McGrath will visit the proposed yard waste site at the end of February to evaluate potential impact.
 - ii. Village Board Chambers/Meeting Room – Friday reported progress on the Board Chamber/Meeting Room project, saying that Public Works Department personnel will work at it as time permits.
 - iii. Water Source/Tower – Administrator Friday reported the Appleton Utility Commission will meet toward month-end to consider the sale of water to the Village of Sherwood. A discussion of historic annual pumpage and volume of purchased water to be committed ensued. Rath requested that Engineer Chad Olsen provide additional information about proposed water storage facilities to the Utility Commission and Village Board.
 - iv. Public Works Garage – Facilities Sub-Committee Member Kaas presented basic plans for an 80’ x 100’ garage structure proposed to be built adjacent to the present undersized garage building. Large overhead doors facing Clifton Road provide easy vehicle and equipment access. A chain hoist area with 270° swinging boom would provide safe movement of heavy equipment. The plans also envision a public works office area, records storage, break area, and shower and decontamination facility.
 - v. Proposed Agreement with American Legion: Request for insurance reimbursement – Friday reported addressing the American Legion at their recent meeting. Mindful of a 1979 Memorandum of Agreement, which stated that American Legion deeded land to the Village for “park” purposes, the Administrator nonetheless discussed plans for proposed construction of a new public works garage between the existing garage and the salt shed. The Legion members voted in support of the proposal, acknowledging it is unlikely the portion of land in question is suitable for park purposes due to its current land uses and proximity to heavy equipment use in the area. The American Legion placed one restriction on its support, that being that the

Village will reimburse to Post #496 the equivalent annual cost they pay to insure the aircraft located on the site for a period of 10 years. The cost is approximately \$650 per year and is next due in March, 2008. Having reviewed the terms, ***Barribeau moved to approve an agreement with American Legion Post #496 to reimburse the Post an amount approximating \$650 per year for a period of ten (10) years commencing in 2008. Kaas second. Motion carried unanimously.***

10) Complaints and Compliments: None

11) Correspondences:

- Reviewed correspondence from Fox Cities Convention & Visitor's Bureau (Jan. 10, 2008) regarding a wayfinding signage initiative.
- Reviewed Administrator's Memo relative to codification of municipal ordinances in electronic format. Briefly discussed progress on the project to date. Friday stated that we are searching for appropriate software to assist in the conversion of existing code to manageable text format. Barribeau suggested contacting Calumet County IT person Howard Metzger for resource assistance.

12) *Closed Session:* Consider vendors via *Request for Proposals* process for Public Works garage project; Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – ***Laux moved to proceed into closed session at 7:42 p.m. as provided in Wisc. Stats. 19.85(1)(e) as stated. Thomson second. Motion carried unanimously.***

Thomson moved to return to open session at 8:04 p.m. Kaas second. Motion carried. No actions were forthcoming.

13) Adjournment – ***Barribeau moved to adjourn at 8:04 p.m. Thomson second. Motion carried.***

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

Village Board Meeting Minutes February 25, 2008

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

| | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | Roger Kaas, excused |
| Joyce Laux | David Petrie, excused |
| David Miller | Others Present |
| Jim Rath | Jennifer Schaff, Engineer |
| Carl Thomson | Randy Friday, Administrator |
| | Ellen Maxymek, Clerk/Treasurer |

- 2) Pledge of Allegiance – Recited

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of January 28, 2008 and February 11, 2008. Rath second. Motion carried.*

- 5) Approval of the Consent Agenda
 - a) Operator’s License (Ashley Schroeder) – *Barribeau moved to approve issuing an Operator’s License to Ashley Schroeder. Rath second. Motion carried unanimously.*

 - b) Schedule for Appointment of Agent by Corporation or Limited Liability Company (Marilyn Nettekoven) – *Barribeau moved to approve the appointment of Marilyn Nettekoven as agent for Outpost Pub & Provisions, LLC. Laux second. Motion carried unanimously.*

- 6) Registered Citizen Comments on Agenda Items – None

- 7) Report of the Water & Sewer Utility
 - 1) Items for Action by the Village Board
 - a) *Request to provide engineering services for Water Tank project (McMahon) – Commissioners recommend accepting proposal from McMahon Associates, Inc in the amount of \$45,500 to complete the Scope of Services for several portion of the proposed Water Tank project, excluding final design and placement of a booster pump station.*

The Village Board will take the proposal under consideration in closed session.

 - 2) For Information Only
 - a) *Water Tank: Update on alternate tank costs & specifications – Presentation: Comparison of Welded Steel, Glass Fused (Bolted), and Pre-Stressed Concrete Tank prepared by McMahon Associates, Inc. The presentation breaks down proposed maintenance costs per tank option, a 60-year economic analysis comparison, and non-economic analysis comparison. No recommendations were made by the commissioners.*

A recommendation will be made by the Utility Commission after additional study for consideration by the Village Board.

- b) *Water quality testing: Update on drilling at High Cliff Supper Club – Referring to the 2/14/08 email from Gary Rosenbeck, McMahon Associates, Inc to the Utility Commissioners and the Village Administrator (made part of the packet), Rosenbeck explained that representatives from the WI Geological and Natural History Survey were unable to visit the High Cliff Supper Club well site on February 13, 2008, as scheduled, to log the well before it is filled and test pumped. They rescheduled their visit for Thursday, February 21, 2008. Commissioners agreed the testing should proceed on Friday, February 22, 2008, even if the WI Geological representatives are unable to visit on Thursday, February 21, 2008.*
- c) *Water source: Update regarding alternative water sources (e.g. Appleton; Menasha) – The Village Administrator reported that he had recently spoken to Mike Buettner, Appleton Waterworks, and learned no recommendation has been made, to date, by the Appleton Utilities Committee. However, Buettner reported that he expects a recommendation from the February 26, 2008 meeting. The Appleton Utilities Committee recommendation will then move to the Appleton Common Council for final consideration.*
- d) *Request to review excessive water usage (Stein; W634 Military Road) – Commissioners reluctantly refused Stein’s request for lenience on 12//31/07 sewer/water utility bill for excessive water usage.*
- e) *Copepod interdiction methodology: Discuss MCO plan to address issue – Randy Muck, MCO, reported that he had discussed the Village copepod situation with experts from Montana State University and was informed that copepods are not uncommon in municipal water throughout the United States. Their food source is bacteria formed in layers around water pipes. Muck learned adding organic carbon and high water flow levels can limit growth. The long term solution to attacking the copepods in the Village will be a new water source. The present plan in Sherwood will be to attack the food source and environment by adding disinfectant and aggressive flushing and to continue sampling for residuals. Muck stated adding hydrochloric acid is costly. And, these approaches may not remove the copepods from the system entirely.*

The report of the Utility Commission was reviewed by the Village Board without action.

8) Report of Village Officers

- a) Village President – Miller congratulated the Public Works staff on a job well done for handling the uncommon winter snow conditions in a timely and efficient manner. Despite long hours spent clearing frequent snowfalls they have maintained the right-of-ways in great shape, he stated.
- b) Clerk/Treasurer
 - i. Review financial reports – After review ***Laux moved to approve the vouchers for payment as presented. Barribeau second. Motion carried.*** The Board also reviewed the balance sheet. Barribeau questioned the apparent debit balance shown in General Fund Accounts Payable, an account that would ordinarily show a credit balance. Maxymek stated she will investigate and report back.

- ii. Board of Review Training – Maxymek called attention to required Board of Review training opportunities, noting that the certifications of Members Barribeau, Laux, and Rath and the Clerk expire this year.

9) Village Engineer

- a) Force Main Project: Update – The Force Main Project contract was executed according to Engineer Schaff, and a pre-construction conference is scheduled on February 27. The contractor may request an extension of time to complete the project, she said. However she is inclined to push for timely completion. Mike Hanamann, operator of the Sherwood Forest Golf Course, will attend the meeting and reportedly will convey his concerns that the project will not be completed with fairway restoration in time for the start of the 2008 golf season.
- b) 2007 Asphalt Paving: Approve partial payment (Badger Highways Co, Inc.) – After presentation by the Engineer, who reported that a retainage in the amount of \$800 is being held to assure completion of minor issues, ***Barribeau moved to approve certified payment #2 to Badger Highway Co., Inc. for partial payment of the 2007 Asphalt Paving Program for \$3,961.30. Thomson second. Motion carried unanimously.***

10) Village Administrator

- a) Capital Projects: Update
 - i. Yard Waste Site – Friday reported that DNR representative Marcy McGrath performed a site visit at the proposed yard waste site. McGrath stated that as long as the yard waste volume remains under 50 cubic yards the site is not required to be permitted. Friday noted that the Village needs to keep a check on the volume coming into the site, excluding commercial and non-resident use.
 - ii. Village Board Chambers/Meeting Room – Friday chronicled progress on the project. Electrical and plumbing contractors are called for work as needed, as will be an HVAC contractor. Unnecessary plumbing fixtures were removed and demolition of a main wall will come next.
 - iii. Water Source – As reported in agenda item 7) 2) a,b,c) of Report of the Utility Commission meeting.
 - iv. Public Works Garage – Friday presented site and concept plans for a north [Clifton Road] facing, 80’ by 100’ structure with vehicle and equipment bays depicted as well as a hoist area, and 19’ by 35’ office section.

11) Complaints and Compliments

- a) Rieder (Feb. 11) – Dr. Rieder, N7875 Edgewater Court, complained that his custom ordered mailbox was down and that he believes the snowplow [operator] “had to go out of his way to knock it down”. Friday investigated, talking with the plow operator who did not have a recollection of the occurrence but who reported that it is very possible that a knockdown can occur without the driver’s awareness. The plow, particularly the wing plow, picks up snow and throws it high and to the side and outside of the operator’s range of vision. The volume and weight of the snow alone is sufficient to knock over a mailbox. Friday responded to the resident after investigating.

- b) Moore (Feb. 20) – Steve Moore, W5133 Shorewood Court, complained of snow piled high and wide around his mailbox and out into the cul-de-sac, blocking mail delivery. Friday promptly investigated and contacted the resident, explaining the challenge of clearing the large volumes of snow especially in the many cul-de-sacs streets.

12) Correspondences

- Reviewed Department of Natural Resource notice that TTHM levels were out of compliance in the fourth quarter of 2007. Friday stated that a meeting is scheduled on March 4 to meet with DNR staff relative to a remediation plan.
- In light of the fact that the Spring edition of the newsletter is in development, the Board discussed and reached consensus that newsletter name will be returned to *Sherwood News* until they can come up with a better one.

- 13) *Closed Session:* Consider vendors via *Request for Proposals* process for the following projects: *Public Works Garage and Water Tank and Appurtenances*. Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – ***Barribeau moved to proceed into closed session per Wis. Stat. 19.85 (l)(e) as stated at 7:25 p.m. Thomson second. Motion carried unanimously.***

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

Miller moved to obtain a proposal from McMahan Associates, Inc. for design/build services to plan and construct the public works garage. Laux second. Motion carried unanimously.

Miller moved to request competitive bids for engineering services for construction of the Low Pressure Zone Water Tank and Appurtenances. Laux second. Motion carried unanimously.

- 14) Adjournment – ***Thomson moved to adjourn at 8:07 p.m. Barribeau second. Motion carried.***

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

Village Board Meeting Minutes March 10, 2008

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

| | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | David Petrie, excused |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Gary Rosenbeck, Engineer |
| Jim Rath | Randy Friday, Administrator |
| Carl Thomson | Ellen Maxymek, Clerk/Treasurer |

- 2) Pledge of Allegiance – Recited

- 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 February 25, 2008 as presented. Laux second. Motion carried.*

- 5) Presentations:
 - a. *Focus on Energy*: Discussion regarding new building and current building energy costs. Consider project(s) using grant funding (Scott Jones) – Jones reported that Focus on Energy is a CESA 10 and Wisconsin Energy Coalition program funded by Public Service Commission to provide administrative support to governments and schools applying for grant incentives to offset costs of energy efficient building projects. Consumers fund the initiative as an additional charge added to utility bills. Jones consults during the design phase of building projects, such as the proposed public works garage, to assure that qualified energy efficient equipment is selected and he then assists with the post construction paperwork necessary to apply for cost rebates.

 - b. *Stormwater Ordinance(s)*: Discuss possible changes with Nick Vande Hey (McMahon) – Engineer Schaff stood in for Vande Hey who was unavoidably absent. She stated that Attorney Carlson, as directed by the Board, reviewed text changes made to the *Illicit Discharge and Connection Ordinance*; the *Construction Site Erosion Control Zoning Ordinance*; and the *Post Construction Storm Water Management Zoning Ordinance* after the initial reading. Carlson, however, recommended retaining language that he previously inserted related to financial guarantees. The ordinances will come to the Board at their next meeting for consideration of adoption after a public hearing.

- 6) Registered Citizen Comments on Agenda Items – None

- 7) Report of the Plan Commission – No meeting held.

8) Report of Village Officers

- a. Village President – President Miller reported hearing numerous positive comments related to the quality of the snow removal during this unusually big snowfall season. Friday noted that the water utility is still working through issues involving snow removal at water hydrants.
- b. Clerk/Treasurer
 - i. Review financial reports – After review and questions ***Kaas moved to approve disbursement of vouchers as presented. Laux second. Motion carried.*** Balance sheet reports were also reviewed and questions were answered.
 - ii. Village Offices/Gym: Heating system repairs – Clerk Maxymek reported receiving an insurance payment of \$19,245 - \$20,245 replacement cost less \$1,000 deductible - for the Rec Center boiler claim. Total cost to install a new forced air and electric radiant heat system totaled \$23,586.50 which included removal of the old boiler.

9) Village Engineer

- a. Force Main Project: Update – Engineer Schaff reported meeting with Mike Hanemann, Sherwood Forest Golf Club, and worked out an agreement changing the existing easement to accommodate project access at the second fairway near the second tee-box, saving as many standing trees as possible. Schaff referenced her letter dated March 3, 2008 that covered the terms of the agreement. Following signing of the agreement, Schaff will bring it to the Board for consideration. Schaff further reported that Contractor Dorner is committed to boring under the golf course early in the project in order to disrupt the golf season as minimally as possible.

According to Schaff, Force Main Contractor Dorner has requested a five week extension beyond the completion date of July 1, 2008, however, she responded offering a two-week extension (ref. March 5, 2008 correspondence). Schaff presented a new, extended project schedule.

Schaff called attention to a letter from Department of Natural Resources approving the force main replacement with noted stipulations. The DNR “recommended that a qualified archaeologist be available to monitor construction in the area of reported mound/burial site”.

10) Village Administrator

- a. Capital Projects: Update
 - i. Yard Waste Site – Request for tree(s) funding; Request to implement card system – Administrator Friday referred to plans for planting evergreen trees along the berm at the proposed yard waste site. He stated that the trees will both screen the site and will act as a barrier against unauthorized intrusion. Friday reported that accumulated interest earned on designated fund balance in the Urban Tree Fund is available for use to purchase and plant trees. At the request of the Administrator ***Laux moved to approve funding tree planting***

at the proposed yard waste with undesignated Urban Tree fund balance. Miller seconded. Motion carried unanimously.

Friday reported the need to limit use of the site to Village residents only in order to keep the site under the 50 cubic yard size allowed by the DNR without a permitting process. He suggested that a punch card could be purchased for a small sum at the Village office by residents who would then have the card punched by a site attendant with each use. No money would be accepted at the site. Specifics related to the punch card system such as cost and volume of waste per punch were discussed but left unresolved.

- ii. Village Board Chambers/Meeting Room – Friday presented photos of the project progress. Rath suggest that we find out if it is possible to use blown in foam insulation to cut down on heat loss through the roof. Friday was instructed to get proposals if the insulating is doable.
- iii. Water Source – Friday reported that the Appleton Utility Committee voted 3-0 in favor of negotiating sale of water to Sherwood. The City Council subsequently voted in favor 15-0.

Friday then reported that he and Trustee Rath met with the DNR to discuss a potential consent order to improve water quality. Both Rath and Friday thought the meeting was a good exchange of information with a firm but positive tone.

Engineer Rosenbeck reported that test results were in from the St. Peters Aquifer water quality study. The testing showed that water source to be extremely poor in quality as to be untreatable with out a cost prohibitive reverse osmosis system.

Miller raised an issue of reimbursement for inconvenience to High Cliff Supper Club as a result of the water quantity/quality testing for a new water source. It was the consensus to send the question of reimbursement to the Utility Commission for consideration and recommendation.

- iv. Public Works Garage – Friday reported that the Building Committee, the Public Works staff and the Administrator met with McMahan personnel to discuss their possible engineering role with regard to the new garage project. McMahan will put together a proposal for Board consideration.
- b. Ordinance Codification: Update & Request to purchase software – A Staff memorandum was reviewed that stated several software packages have been considered to perform the scanning and editing function necessary to the task of codifying Village ordinances. Staff concluded that the OmniPage Professional package would make scanning and conversion a one-step process and would be available to everyone on our computer network. ***Barribeau moved to approve purchase of OmniPage Professional scanning and conversion software at a cost of \$595. Miller second. Motion carried unanimously.***

11) Complaints and Compliments: None

12) Correspondences: None

13) *Closed Session:* (Kaas) Consider vendors via *Request for Proposals* process for the following projects: *Public Works garage* and *Water Tank and appurtenances*. Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

There being no motion to move to closed session, ***Rath moved to reconsider a motion made at the February 25, 2008 meeting on which he voted on the prevailing side. Miller seconded. Vote was 6 to 0 in favor of reconsideration.***

Miller moved to request competitive bids for engineering services for construction of the Low Pressure Zone Water Tank and Appurtenances. Laux second. Discussion: Engineer Rosenbeck stated that the Village is at a point where it needs to move forward to preliminary design phase in order to construct the LPZ tank in 2008. His proposal for those services was submitted excluding the booster pump phase of the project because little concept work has been done on that portion yet. Rosenbeck stated he is asking the Village Board for the opportunity to finish projects started in concept years ago. He and the McMahon firm want to work with the Village Board and Utility Commission to the advantage of the Village.

Trustee Kaas stated his concern regarding the intellectual property of the McMahon firm. He opined that the Board is on tenuous moral ground when it takes advantage of concept development done by the appointed engineers and then puts together a request for bids for the preliminary design work based on the work already done by Rosenbeck and the McMahon firm. Kaas stated he doesn't think the Village is compensating McMahon for their behind the scenes conceptual work and intellectual property. ***Voting in favor of the motion under reconsideration 0. Voting against 6. Motion failed.***

Rosenbeck stated that the Board may want to revisit what appointment of a Village Engineer means at this time. Kaas requested that the concept of appointment of all professionals be placed on the agenda of the next Village Board Organizational Meeting as a topic of discussion.

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

Minutes respectfully presented for review and approval by Ellen Maxymek, Village Clerk

Village Board Meeting Minutes March 24, 2008

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

| | |
|---------------------------|-----------------------------------|
| Present | Absent |
| Bill Barribeau | David Miller – Excused |
| Roger Kaas | Carl Thomson – Excused |
| Joyce Laux | Others Present |
| David Petrie | Jennifer Schaff, Village Engineer |
| Jim Rath – Arr. 7:15 p.m. | Gary Rosenbeck, Village Engineer |
| | Nick Vande Hey, Village Engineer |
| | Randy Friday, Administrator |
| | Ellen Maxymek, Clerk/Treasurer |

- 2) Pledge of Allegiance – Recited

- 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 March 10, 2008 meeting as presented. Kaas second. Motion carried.*

- 5) Approval of Consent Agenda
 - a) Solicitor’s Permit Application: Nicholas Fowles – Following discussion regarding the contents of a report obtained from the Wisconsin Department of Justice Crime Information Bureau, *Barribeau moved to deny the solicitor’s permit application submitted by Nicholas Fowles. Petrie second. On a call of roll, Barribeau, Kaas, Laux, Petrie, Rath voted in favor. None opposed. Motion carried unanimously.*

- 6) Registered Citizen Comments on Agenda Items – None.

- 7) Public Hearing: Consider/Approve amendment to the Village Ordinances incorporating new *Stormwater Ordinance(s)*. Nick VandeHey – McMahan Group, will present the regulations and answer any questions – Following three calls for public comment and hearing none Vice President Laux announced the public Hearing closed at 7:00 p.m.

Petrie moved to amend the fee schedules retaining permit fees at \$200 but deleting the 2% administrative fee. No second. Motion failed.

Barribeau moved to adopt Ordinance No. 08-97, Illicit Discharge and Connection Ordinance and fee schedule; Ordinance No. 08-98 Construction Site Erosion Control Zoning Ordinance and fee schedule; and Ordinance No. 08-99 Post-Construction Storm Water Management Zoning Ordinance and fee schedule texts and schedules with changes as recommended by legal counsel. Kaas seconded. Barribeau, Kaas, Laux in favor. Petrie opposed. Motion carried.

- 8) Report of the Utility Commission: March 10, 2008

- 1) Items for Action by the Village Board – ***Barribeau moved to approve Action Items a) b) c). Petrie second. Motion carried unanimously.***
 - a. Recommend Request for Proposals for site soil borings – *Commissioners recommend authorizing McMahon Associates to request quotations for the soil borings at the proposed water tank site.*
 - b. Booster Pump & water main: Discuss location & preliminary engineering – *Commissioners recommend preliminary approval to house the booster pump in the former boiler room, located in the Village office building. Further investigation is required for the water main.*
 - c. Consumer Confidence Report (2007) – *Commissioners recommend approval of the 2007 Consumer Confidence Report. The report will be distributed with the 3rd quarter newsletter.*
- 2) Information Items
 - a. Request to reduce billing for water (Bekish; N7932 Ridgeview Ct) – *Commissioners moved to deny request for reduction in quarterly bill (1/31/2008). Letter from customer indicated excessive water use was due to two leaky toilets.*
 - b. Request to reduce billing for water (Mike Richter; W4709 Nicklaus Ct) – *Commissioners moved to deny request for reduction in quarterly bill (2/29/2008). Customer was informed that the inside meter read is the “accurate” read and is used to compute the bill.*
 - c. Budget Items –
 - i. Review chemical costs for water and sewer operations – *Finance/Utility Clerk explained that during the PSC audit in March, the auditors questioned the 60% expense increase from 2006 to 2007 for the water fund and the 141% increase in the sewer fund for treatment chemical expense. Weibel explained the expense increase is the result of adding hydrochloric acid to the water to control the TTHM levels and adding ferrous chloride at the High Cliff lift station for acceptable operation at WWTF headworks.*
 - ii. Sewer line televising & maintenance – *Finance/Utility Clerk explained the 2008 Sewer Fund budget line item Maintenance Mains/televising is over the \$4,500 budget due to \$11,018.75 invoice to televise 20% of the village. Weibel explained the televising was done in 2007. Commissioners noted, if the invoice is transferred to the 2007 expenses, the 2007 budget for Maintenance Mains/televising would be over budget by approximately \$8,000. Commissioners further noted, if 20% of the village is televised in 2008, as stated by Weibel, the 2008 expense for Maintenance Mains/televising would be well over the \$4,500 budget.*
 - d. Compliance Deadline for new EPA Drinking Water Regulations - *Village Administrator explained that a Compliance Reminder, with an April 1, 2008 deadline, was received from the United States Environmental Protection Agency for new drinking water regulations that affect our public water system (TTHM levels).*

Weibel stated the proper forms will be completed by MCO, on behalf of the Sherwood Utility, and returned to the EPA by the April 1 deadline.

- e. Water Tank
 - i. Recommend type & design – *Village engineer suggested requesting three separate proposals, one for each type & design: Welded Steel Tank, Glass-Fluted (Bolted) Steel Tanks, and Pre-Stressed Concrete Tanks.*
 - f. Water quality testing: Update on drilling at High Cliff Supper Club – *Rosenbeck reported test results indicate poor water quality at this site.*
 - g. Water source: Update regarding alternative water sources (e.g. Appleton; Menasha; Well #7) – *Closed door discussions will be held with Appleton. Chairman Stewart accepted the Village Board's request to be a negotiating partner in discussions with Appleton.*
 - h. Consent Order: Consider/Recommend approval of timeline established by Wis. DNR for obtaining water source – *The consent order was reviewed. Commissioners requested the Administrator to discuss possible timetable language change with the DNR in regard to new water source availability.*

9) Report of Village Officers

- a) Village President – No report.
- b) Clerk/Treasurer
 - i. Review financial reports – ***Kaas moved to approve disbursement of vouchers as presented. Barribeau second. Motion carried.*** The balance sheet was reviewed.

10) Village Engineer

- a) Force Main Project: Update – Engineer Schaff reported that boring for the force main has been completed at the Sherwood Forest Golf Club. No evidence of burial sites has been discovered. Unfortunately extensive rock lying about two-feet under the surface has been encountered. It will be necessary to trench or blast at least 1,000-ft. in order to install the pipe.

11) New Business

- a) EastShore Humane Association: Request for funding – Eastshore Humane Association made request for a collaborative agreement or donation to help fund the organization's services. No motions were forthcoming. The item will be considered in the 2009 budget preparation.
- b) Consider/Approve *Contract for Services: Low Pressure Zone (Tower & Mains) – Laux moved to accept a Proposal for Professional Engineering Services with McMahon Associates; preliminary design phase lump sum \$5,500; ground storage tank lump sum \$29,500; connecting water main lump sum of \$10,500; totaling \$45,500. Rath second. Motion carried unanimously.*

12) Village Administrator

a) Capital Projects: Update

- i. Yard Waste Site – Administrator Friday stated that development of the yard waste site will move forward when the property dries out.
- ii. Village Board Chambers/Meeting Room – Friday reported that the board chambers project is moving along at a good pace. Ceiling tiles and insulation are installed.
- iii. Water Source – Utility Commission Chairman Dick Stewart and Friday will start negotiations to develop a new water source in upcoming weeks.
- iv. Public Works Garage – Friday stated that McMahon Associates has drafted a proposal for services preliminary to construction of a new public works garage. The draft proposal will be e-mailed to the administrator and members of the ad hoc garage facility committee for their review.

- b) Comprehensive Plan: Future Land Use Map – Friday reported that the Comprehensive Plan will go to a public hearing on April 14, 2008. A joint meeting of the Village Board and Plan Commission will hear public comment and take the plan under consideration for adoption that evening or will postpone action until a later date. The Administrator presented the future land use map and raised questions about the location of certain commercial and institutional land uses. Trustee Laux stated that current residential properties near the downtown area are the oldest residences in the Village and have historical value. Laux stated she anticipates the natural commercial growth corridor to continue to the west on Veterans Avenue and south on Military Road.

13) Complaints and Compliments: None

14) Correspondences: None

15) Adjournment – ***Kaas moved to adjourn at 8:22 p.m. Barribeau second. Motion carried.***

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

Village Board & Plan Commission: Special Meeting Minutes

Comprehensive Plan 2030 – Public Hearing

Monday, April 14, 2008

- 1) Call to Order and Roll Call (both Boards) – *Village President Miller called the meeting to order at 6:38 p.m. with roll call of the Village Board and Plan Commission:*

Village Board

Present

*Bill Barribeau
Roger Kaas
Joyce Laux
David Miller
David Petrie
Carl Thomson*

Absent

Jim Rath (excused)

Plan Commission

Present

*Bill Barribeau
Tom Boll
Tom Doughman
Howard Helker
Joe Hennlich
David Miller*

Others Present

*Christine Symchych, Foth Infrastructure and Environment, LLC
Randy Friday, Administrator
Kathy Mader, Finance/Utility Clerk*

- 2) Pledge of Allegiance – *recited*
 - a) Approval of the Agenda – ***Kaas moved to approve the agenda of the joint meeting. Thomson second. Motion carried unanimously.***
- 3) Public Hearing: Presentation of the proposed *Village of Sherwood Comprehensive Plan (2030)* – Foth Infrastructure & Environment, LLC (Christine Symchych). – *Miller introduced Symchych to the audience. Symchych explained to the audience that after her presentation the public hearing would be open to registered citizen comments. Symchych explained that as the comments are made they will be recorded but no response will be made until the public hearing is closed.*
- 4) Registered Citizen Comments on Agenda Items

- Les Stumpf, N465 Lorraine St, Sherwood – *Stumpf, referring to his property along Hwy 55, questioned why this property is designated as Institutional District (blue) on the Future Land Use map. Stumpf would like to see this area be designated as Single Family Residential (yellow). Stumpf stated he is in agreement with the area along the rail road tracks (Cty M) being designated as Park and Recreation District (green) on the Future Land Use map. Stumpf questioned, however, whether or not the Comprehensive Plan demands a buffer between the Industrial District (purple), along the rail road tracks (Cty M), and his General Residential District (tan) property, which is contiguous to the Industrial District on the Future Land Use map. Stumpf also questioned future road planning.*
- Dar Stumpf, N465 Lorraine St, Sherwood – *Stumpf questioned the necessity for designating the entire area surrounding Meehl Street and along the south side of Stumpf Ave as General Commercial District (red) on the Future Land Use map.*
- Jenna Canino, W4916 Golf Course Rd, Sherwood – *Canino indicated that she is the co-owner of the Sherwood Animal Hospital, located on Knight Drive. She further stated that her business and adjoining property, which is for sale, is within the area designated as Institutional District (blue) on the Future Land Use map. Canino questioned the Village intentions for development in this area.*
- Joe Nemecek, 1992 Susan Ave, Neehah – *Nemecek indicated he is part owner/developer of Camelot Estates. Nemecek questioned the designation for Industrial District (purple) area north of the rail road tracks and west of Cty M on the Future Land Use map, which is contiguous to his property. Nemecek suggests the area be designated as residential.*
- Robert Wittmann, W5146 Natures Way Dr, Sherwood – *Wittmann, representing Lakeshore Estates Ltd, questioned designating Birchwood Dr and Oakwood Dr as General Residential District (tan) on the Future Land Use map. Wittmann stated that the area has been plotted. Wittmann suggests Birchwood Dr and Oakwood Dr be designated as Single Family Residential (yellow) on the Future Land Use map.*
- Lloyd Hughes, W4891 Escarpment Terrace, Sherwood – *Hughes inquired whether or not there would be penalties for changing the land uses after this Comprehensive Plan is adopted by the Village Board.*
- Tom Doughman, W4816 Spring Hill Dr, Sherwood - *Doughman questioned why the quarries are not indicated on the Future Land Use map.*
- Joyce Laux, N412 Military Rd, Sherwood – *Laux questioned designating the area contiguous to the Agricultural District (Cty M) as General Commercial District (red), on the Future Land Use map, since it is the oldest residential area in the Village and has historical value.*

- Randy Friday, Village Administrator – *Friday commented that the properties on the west side of Harrison Street should be designated as General Commercial District (red) on the Future Land Use map.*

After a call for final public comments, Miller announced the hearing closed at 7:42 p.m.

Responses to citizen comments:

- *Symchych stated formal written comments can be submitted to the Village office within two weeks of this evening's meeting.*
 - *Symchych indicated that suggested corrections to the Future Land Use map can be addressed with certain practicalities about what was or was not included.*
 - *Symchych explained that the Comprehensive Plan addresses concepts related to preservation, storm water, and road issues, etc. The Comprehensive Plan is meant to be general. The specifics are dealt with at the local Plan Commission and Board/Trustee level through the approval processes.*
 - *Referring to the inquiry about the designated Institutional District (blue) on the Future Land Use map, Symchych explained this area could be used for churches, schools, police departments, fire departments, etc.*
 - *Miller commented that the area on the existing Land Use map, designated for future school site, will be dedicated as Park and Recreation District (Green) on the Future Land Use map. The site will not be used as a school site.*
- 5) **Adjournment – *Petrie moved to adjourn at 8:08 p.m. Kaas second. Motion carried unanimously.***

Respectfully submitted for review and approval by Kathy Mader, Finance/Utility Clerk

Village Board Meeting Minutes

Monday, April 14, 2008 – 6:30 pm

*Note: Immediately following joint-Village Board & Plan Commission
Comprehensive Plan Public Hearing*

Sherwood Community Center
W489 Clifton Road, Sherwood, Wisconsin

- 1) Call to Order and Roll Call – *President Miller called the meeting to order at 8:18 p.m with roll call.*

Present

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

Others Present

*Jennifer Schaff, Engineer
Randy Friday, Administrator
Kathy Mader, Finance/Utility Clerk*

- 2) Pledge of Allegiance – *recited at joint meeting*
- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Thomson second. Motion carried unanimously.***
- 4) Approval of Minutes – March 24, 2008 – ***Barribeau moved to approve the March 24, 2008 minutes. Rath second. Motion carried unanimously.***
- 5) Registered Citizen Comments on Agenda Items – *none*
- 6) Report of Village Officers
- a) Village President – *Miller commented on the positive, public participation at this evening’s public hearing.*
- b) Clerk/Treasurer
- i) Review/Approve financial reports – ***Kaas moved to approve the financial reports as presented. Thomson second. Motion carried unanimously.***
- 7) Village Engineer
- a) Force Main Project: Update – *Schaff reported the need to either trench or blast deep levels of rock in the “Stumpf” easement area. Schaff stated insulation has been suggested as an alternative but she suggests trenching or blasting, trenching being the cleanest option.*

Miller questioned whether or not soil borings had been done prior to the project bidding. Schaff explained the option to do soil borings had been discussed at a utility commission meeting and they had decided not to recommend the borings based on cost.

Kaas inquired about the possibility of bidding a separate contract for the trenching or blasting from the original contract. Schaff stated she had received a \$155,000 bid proposal from Dorner, Inc (Force Main Project contractor), to trench the site. Schaff explained the \$155,000 bid proposal for trenching the site is greater than fifteen percent (15%) of the \$709,000 project approved bid; therefore, she suggests contacting the Village attorney for direction.

Friday discussed options to special assess future users for the above costs.

8) New Business: Consider/Approve Village of Sherwood Comprehensive Plan 2030. – Petrie moved to table consideration/approval of the Village of Sherwood Comprehensive Plan 2030 until the Village receives direction from Foth Infrastructure and Environment, LLC to adopt the plan. Miller second. Motion carried unanimously.

9) Closed Session: 6-Month Administrator's compensation and employment Evaluation: Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – Miller made a motion to move into closed session at 8:49 p.m. to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility. Rath second. Motion carried unanimously.

Kaas made a motion to move into open session at 9:20 p.m. Rath second. Motion carried unanimously.

10) Consider/Approve Village Administrator compensation, as per contract – Kaas moved to approve salary increase per authorized employment contract. Rath second. Motion carried unanimously.

11) Adjournment – Petrie moved to adjourn at 9:20 p.m. Barribeau second. Motion carried unanimously.

Respectfully submitted for review and approval by Kathy Mader, Finance/Utility Clerk

Village Board Meeting Minutes April 28, 2008

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 7:15 p.m. with roll call:
- | | |
|----------------|------------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| Jim Rath | Dick Stewart, Utility Commissioner |
| Carl Thomson | |

Note: Although a quorum of Utility Commission members was present at the meeting of the Village Board, their presence was informational only and the Commission transacted no business or action.

- 2) Pledge of Allegiance
- 3) Approval of Agenda – *Barribeau moved to approve the agenda. Rath seconded. Motion carried.*
- 4) Approval of Minutes
- a) April 14, 2008 – Village Board & Plan Commission Joint Meeting (*Comprehensive Plan*) – *Barribeau moved to approve the minutes. Kaas second. Motion carried.*
- b) April 14, 2008 – Village Board (Regular Meeting) – *Barribeau moved to approve the minutes. Kaas second. Motion carried.*
- 5) Approval of the Consent Agenda
- a) Schedule for Appointment of Agent by Corporation or Limited Liability Company (Jodi Jacobs Hammen – Sherwood Forest Golf Club, Inc.) – *Barribeau moved to approve the appointment of Agent, Jodi Jacobs Hammen. Rath second. Motion carried.*
- b) Operator’s Licenses
- i. Wesley Pompa – *Petrie moved to approve operator’s license of Wesley Pompa. Kaas second. Motion carried. Barribeau opposed.*
- ii. Hannah Martin – *Barribeau moved to approve operator’s license of Hannah Martin. Laux second. Motion carried unanimously.*
- 6) Registered Citizen Comments on Agenda Items
- Douglas Laux, High Cliff Golf Course, re agenda item 11)a). Laux distributed photos depicting damage to golf course caused by geese. He stated that damage is also occurring to public pond area where the geese congregate.

- Roy Janzen, High Cliff Golf Course, re agenda item 11)a). Janzen stated that High Cliff Golf Course needs to provide a good quality golf experience to customers by maintaining the good condition of the course. Unfortunately, he said, increasing numbers of migrating and nesting geese are damaging the greens. He related incidents of wounds to customers caused by aggressive behavior of the birds and cited potential liability and increased insurance cost. Responding to questions from the Board, Janzen stated that the staff tried using noisemakers and dead goose decoys to deter the birds but have had little success. Other deterrents would be costly and labor intensive. Golf Course staff would like the Village to permit seasonal hunting of the birds and to become actively involved in treating the eggs to prevent hatching.
 - Brad Koele, Urban Wildlife and Wildlife Damage Specialist, Department of Natural Resources, re agenda item 11)a). Koele reportedly receives numerous complaints from municipalities and private citizens regarding damage caused by geese and other wildlife. He presented literature outlining waterfowl management methods ranging from habitat modification, barriers and scare devices to repellants and population management. Hunting during the early September waterfowl season is most effective, but local ordinance against hunting in developed areas may disallow. He noted that hunting outside the regular season is unlawful. Nest and egg depredation may also be effective but an online, no cost permit is required. The removal of geese during the mid-June to early July molting season when the geese are flightless in a “round-up” is another means of controlling the population. A federal wildlife services agency would be called in during a first season to capture and sample the several birds for environmental contaminants. In a second year larger numbers of geese would be herded, removed from the area, processed and given to food pantries. Although the wildlife agency is non-profit, they would need to recoup costs totaling approximately \$4,000 for the two-season round-up process. Private parties are not allowed to perform a round-up because geese fall under the federal wildlife protection regulations.
 - Dick Nikolai, Wildlife Biologist, Department of Natural Resources, re agenda item 11)a). Nikolai spoke regarding habitat modification, reminding the Board that the management of the goose population is not an isolated local problem because the birds range over a large area. Though they can be scared away from one area, Nikolai reported, they are very adaptive and will tend to return when the coast is clear. Education can be effective in discouraging people from feeding wildlife, which causes more birds to congregate. This practice is in violation of DNR regulations and compounds the overpopulation problem and resulting nuisance.
- 7) Report of the PRUT Board: April 16, 2008 – The Board reviewed the PRUT report without action.
- 1) For Information Only
 - a) Urban Forestry Policy: Continue review of Draft document – PRUT Board reviewed Sections XII though end of policy, making changes/corrections as necessary. Following revisions, the document will return for final review and recommendation to the Village Board.

- b) Dead trees: Wannick Park – The PRUT Board members reportedly observed no dead park trees at this time, but agreed to make notes and report such observations to the Administrator in the future.
 - c) Discuss proposal for construction of new pavilion/facility to service American Legion Park & village lands (football; horses; baseball): Dave Van Elzen (Sherwood Lions Football) – Van Elzen requested that the PRUT Board give consideration to recommending that the pavilion in Legion Park be raised and a two floor replacement be built. His organization is willing to donate partial funding to a project of this nature and can obtain in-kind donations for architectural work. The members advised Van Elzen to bring 2 – 3 concept plans to the next meeting so they will have something concrete to review.
 - d) Budget Requests for FY2009 – The Administrator informed that requests for 2009 annual budget for park, recreation and urban tree funding should receive thought and be presented for recommendation at the next meeting.
 - e) Budget Requests for FY2009 – The Capital Projects (5-Year Capital Plan) was presented for review. Following discussion the Administrator was asked to add a project to install drain tile around the perimeter of the soccer/football field area to capital planning. A project cost of \$60,000 was estimated.
- 8) Report of the Utility Commission: April 21, 2008
- 1) Action Items
 - a) Water tank: Update and Review/Recommend Soil Boring Quote(s) – Commissioners recommended approval of a \$2,598.00 proposal from River Valley Testing to conduct soil borings and analysis for the proposed water storage reservoir.

Rath moved to approve a \$2,598.00 proposal from River Valley Testing to conduct soil borings and analysis for the proposed water storage reservoir as recommended by the Utility Commission. Petrie seconded. Motion carried unanimously.
 - b) TTHM Sampling Results: April 8, 2008 (Pace Analytical) – Commissioners reviewed results and approved the expenditure to replace the current acid feed pump with a larger pump at well #5 at an approximate cost of \$1,350.00.

Kaas moved to accept the action of the Utility Commission approving the expenditure to replace the current acid feed pump with a larger pump at well #5 at an approximate cost of \$1,350.00. Miller second. Motion carried unanimously.
 - c) Test Well at High Cliff Supper Club: Discuss abandonment and possible compensation to High Cliff Supper Club regarding Well #7 – Commissioners recommended the approval of a \$1,470.00 proposal from Badger Well Drilling, Inc to abandon the 6” test boring 245 feet.

Petrie moved to approve the recommendation of the Utility Commission accepting a \$1,470.00 proposal from Badger Well Drilling, Inc to abandon the 6” test boring 245 feet. Miller second. Motion carried unanimously.

Commissioners recommend approval of \$300.00 compensation for landscaping payable to S&S Development of Fox Valley, LLC (High Cliff Restaurant).

Barribeau moved to approve the recommendation of the Utility Commission compensating S&S Development of Fox Valley, LLC (High Cliff Restaurant) \$300 for landscaping. Rath second. Motion carried unanimously.

d) Force Main:

- i) Update and Request for additional compensation – Engineer discussed quotes for blasting and trenching which would be in addition to approved bid for the project. Engineer has corresponded with the Village attorney regarding the related issues. Utility Operator reported a transducer needs to be replaced at the Main Lift Station at an approximate cost of \$1,200.00. The transducer was damaged during construction. Commissioners request contacting insurance provider. Commissioners recommended approval of a \$5,528.16 McMahan Associates invoice for efforts to obtain WDNR permits for the construction of the new force main.

Kaas moved to approve the recommendation of the Utility Commission paying a McMahan invoice totaling \$5,528.16 for efforts to obtain WDNR permits for the construction of the new force main. Rath second. Motion carried unanimously.

- ii) Request to install ‘tee’ to project for future “Camelot Estates” – Friday indicated a formal document will be drafted which states all actual costs be charged back to the developer and are payable immediately. Commissioners recommend the Village Board approve the installation of the tee with the proviso that all actual costs are immediately payable by the developer.

Rath moved to approve the recommendation of the Utility Commission to install a tee provided that all actual costs are immediately payable by the developer. Miller seconded. Motion carried unanimously.

- e) Consent Order: Consider/Recommend approval of timeline established by Wis. DNR for obtaining water source – Friday will contact WDNR representative to discuss and attempt to negotiate #7 (well abandonment) of the Consent Order in, as suggested by the commissioners. Commissioners recommend the Village Board approve the Consent Order, with the exception that #7 will be negotiated.

Petrie moved to approve the Consent Order, negotiating #7, as recommended by the Utility Commission. Kaas second. Motion carried unanimously.

- f) Request to reduce billing for water (Engelhardt; N364 Military Rd) – Commissioners moved to deny the request to reduce the billing but to allow three equal installments in three successive months without interest.

2) Informational Items

- a) Memo – April 21, 2008 (Chemical, Televising, & Valve Exercising) – Memo reviewed.
- b) Booster pump & water main – Preliminary Engineering Report to WDNR – reviewed.
- c) Lift Station #3: Discuss project status (substantial completion) – Utility Operator reported the new system is operational.
- d) North Shore Golf Course: Discuss test pumping – Commissioners instructed the engineer not to pursue test pumping at this time.
- e) Appleton Water Utility: Discuss connection concepts – The engineer submitted Option 6C (Revised Concept) for connection to Appleton system. Revisions were discussed.
- f) Water System: Discuss system disinfection options – Reviewed article about chloramination.
- g) Aerator: Discuss purchase of new aerator – Engineer will have quotes available at the May meeting.
- h) Sanitary Sewer Overflow or Bypass Notifications Summary Report – Utility Operator reported a manhole at the High Cliff State Park surcharged. The operator also reported the Utility will not receive a violation or a citation. The operator suggests the Commissioners consider renting a flow meter and install it at High Cliff State Park.
- i) Copepod update: March 31, 2008 (Wisconsin State Laboratory of Hygiene) – Commissioners expressed displeasure in the report's lack of information. Commissioners suggest the next samples be sent to the Colorado for testing.

9) Report of Village Officers

- a) Village President – No report
- b) Clerk/Treasurer
 - i. Review financial reports – Balance sheet and budget comparison reports were reviewed. Disbursement report was reviewed. ***Kaas moved to approve payment of vouchers as listed and including two unlisted, vouched refunds of facility deposits. Rath seconded. Motion carried unanimously.***

- c) Village Constable (December, 2007 thru April 19, 2008) – Constable’s report was reviewed.

10) Village Engineer

- a) Force Main Project Update – Engineer Schaff presented and reviewed a monthly construction report, highlighting progress points. She reported that pipe installation was 15% complete; bore and jack casing pipe 33% complete; and air relief manholes 17% complete. Contractor Dorner has provided a cost estimate for rock trenching and blasting along the Stumpf property. Schaff completed a Chapter 30 permit application to open cut the wetlands. She anticipates additional costs of an undetermined amount to repair the wetlands and haul away project spoils. A revised timeline for project completion was reviewed.

Schaff reported that questions of how to proceed with contractual issues/changes related to rock trenching were sent to the Village Attorney for review. She outlined challenges related to avoiding conflict with the existing 8” force main. Locations of the existing main, as well as electrical/control feed lines to the main lift station are not well documented.

- b) Request to approve Change Order for blasting along route (Dorner, Inc.) – The Board reviewed a proposed change to the Dorner Inc. contract for costs to rock blast, trench manhole rock, restore affected structures, and other related expense. ***Kaas moved to approve the proposal from Contractor Dorner Inc. for additional rock blasting and manhole rock blasting for the sum of \$101,200. Petrie second. Motion carried unanimously.***
- c) Request Village Board approval to change easement terms for Sherwood Forest C.C. – An agreement to revise the terms of the Sherwood Forest Country Club force main project easement was reviewed. ***Petrie moved to approve the Sherwood Forest Country Club and easement change and agreement. Thomson second. Motion carried unanimously.***

11) New Business

- a) High Cliff Country Club: Request to mitigate geese on property (Laux; firearms’ usage) – Following comments as stated above (agenda item 6) the Board agreed to the following:
- Conduct a survey of Village residents, requesting feedback regarding limited permitting of hunting on golf course/s as a means to control population of geese or deer and damage caused but these pests.
 - Administrator to contact High Cliff and Sherwood Forest Golf Course owners/managers and High Cliff State Park (WDNR) officials to determine interest in partnering to fund costs associated with testing, round-up, and removal of geese from golf courses.

- Register on-line for WDNR permit to apply oil to goose eggs in the nest to reduce the gosling population. Instruct Public Works personnel to oil eggs as they are observed on publicly owned pond property.
 - Educate public via newsletter and web page articles to reduce feeding of animals in the wild.
- b) Capital Projects Improvement Plan: 2008-2012 – Change CIP to reflect construction of public works garage in FY2008 (currently scheduled in FY09) – ***Rath moved to approve a change to the Capital Projects Improvement Plan to construct a public works garage in FY 2008. Barribeau second. Motion carried unanimously.***
- c) Contract for Services award (engineering): Consider/Award Public Works Garage project (McMahon) – ***Rath moved to approve a proposal for full design/bid/construct services from McMahon Group for a lump sum of \$41,300 with additional survey services of \$2,500 and reimbursable expenses including state submittal fees, miscellaneous expenses, and reproduction of bid and construction documents estimated to total \$9,000 (grand total \$51,800). Barribeau second. Motion carried unanimously.***
- d) Consider request for annual dues to Calumet County Civic Association – ***Rath moved to deny the request for payment of annual dues to the Calumet County Civic Association. Petrie second. Motion carried unanimously.***

12) Village Administrator

- a) Consider/Approve administrative usage of *Developer’s Request for Municipal Services* – Administrator Friday presented a new form designed to provide for a consistent tool to guide development. Following review ***Barribeau moved to approve administrative use of the Developer’s Request for Municipal Services form. Laux second. Motion carried unanimously.***
- b) Consider/Approve revision to Village *Purchasing Policy* – Friday requested that the Board consider revising the purchasing policy to facilitate more efficient, timely, and cost realistic procurement of goods and services while remaining within current budget constraints. Specific policy revisions were noted as follows:
- Change ‘Coordinator’ to ‘Administrator’
 - Increase the Agent’s *Purchase Level* to at least \$10,000 (Item #3)
 - Increase *Competitive Sealed Bid Level* to \$10,000 (Item #4a)
 - Increase *Competitive Written Quotes Level* to \$10,000 (Item #4b)
 - Increase *Competitive Oral Quotes Level* to \$10,000 (Item #4c)
 - Increase Village Credit Card Account to at least \$10,000 (Item #4g)

Barribeau moved to approve the above listed policy revisions. Thomson second. Motion carried unanimously.

- c) Consider/Approve revision to Village *Employment Guidelines* – ***Rath moved to table for consideration during a future closed session. Thomson second. Motion carried.***
- d) Capital Projects: Update
 - i. Yard Waste Site – Friday reported that wetlands delineation is completed, trees are ordered, and earth moving is arranged so preparation can begin as soon as the site dries out.
 - ii. Village Board Chambers/Meeting Room – Friday noted that the renovation of the Board Chambers/Meeting Room at the Rec Center and Office Plaza building are progressing in a timely manner. The project is on target for “move-in” on July 1.
 - iii. Water Source – See agenda item 8) Report Of the Utility Commission

13) Complaints and Compliments: None

14) Correspondences:

- a) Resignation from Plan Commission: Denis Dewing (March 24, 2008) – Correspondence reviewed.
- b) Land for Sale: Nemecek & Associates (April 8, 2008) – Reviewed.
- c) Tree City USA award: WisDNR (April 8, 2008) – Reviewed.
- d) Request for compensation regarding Golf Course Road project: Neuber (April 21, 2008) – ***Miller moved to table the matter until additional information is available. Rath second. Motion carried.***

15) Closed Session: Update on water purchase options, and, consider vendors via *Request for Proposals* process for the possible Village *Water Mains & Transmission* Construction project. Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session

Rath moved to proceed into Closed Session per Wisc. Stats. 19.85(1)(e) as stated. Kaas seconded. Motion carried unanimously.

Thomson moved to return to open session at 11:12 p.m. Rath second. Motion carried.

16) Adjournment – ***Thomson moved to adjourn at 11:12 p.m. Miller second. Motion carried.***

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

Village Board Organizational Meeting Minutes
April 28, 2008

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

| | |
|--|--|
| Present Bill Barribeau Roger Kaas Joyce Laux David Miller David Petrie Jim Rath Carl Thomson | Absent None Others Present Jennifer Schaff, Engineer Randy Friday, Administrator Ellen Maxymek, Clerk/Treasurer |
|--|--|

- 2) Pledge of Allegiance – Recited

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

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of the April 23, 2007 Village Board Organizational Meeting. Rath second. Motion carried.*

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

- 6) Review/Approval of Rules of the Village Board – The following changes to the rules were noted:
Sec 1) a) Place of Meetings – change to Village Board Chambers/Meeting Room when that room is renovated. Sec. 4) i) Presentation by Administrator. *Barribeau moved to approve the Rules of the Village Board with revisions as noted. Kaas second. Motion carried unanimously.*

- 7) Election of Vice-President – *Miller nominated Joyce Laux to be elected Vice President. Petrie second. Motion carried unanimously.*

- 8) Village Board Appointments
 - a) Weed Commissioner – *Miller moved to appoint Greg Cullen Weed Commissioner. Barribeau second. Motion carried unanimously.*

 - b) Code Administrator – *Miller moved to appoint Randy Friday Code Administrator. Barribeau second. Motion carried unanimously.*

 - c) Clerk/Treasurer – *Miller moved to appoint Ellen Maxymek to the office of Clerk/Treasurer. Rath second. Motion carried unanimously.*

 - d) Assessor – *Petrie moved to appoint Associated Appraisal Consultants, Inc. to the office of Assessor. Thomson second. Motion carried unanimously.*

- 9) Professional Appointments
 - a) Discussion/action regarding basis, criteria, limits for appointment of professional consultants – Petrie questioned how long the Village should stay with the same professional consulting firms before seeking proposals from alternative firms.

- i) Accountant – Board discussed the merits and working relationship of current accounting firm. **Miller moved to retain the firm of Virchow, Krause & Associates as accounting consultants. Thomson second. Motion carried unanimously.**
 - ii) Attorney – **Kaas moved to retain the firm of Silton, Siefert, and Carlson as legal counsel. Thomson second. Motion carried unanimously.**
 - iii) Engineer – Rath stated his discomfort with the idea of changing engineering firms while in the midst of multiple projects. Miller stated he is happy with the quality of the current engineering services and sees no reason to change for change sake. Kaas said if the Village is going to have an appointed engineer it needs a level of comfort in how the appointed firm functions. This does not mean that the engineering firm should get rubber stamped for all projects but the current firm has come to the Boards/Commissions with project options. When appointments are made, we need to approach the relationship as a partnership. **Miller moved to retain the firm of McMahan Associates Inc. as engineering consultants. Laux second. Motion carried unanimously.**
- 10) Election by Village Board – **Barribeau move to appoint the following currently seated trustee member to the board/commission indicated. Rath second. Motion carried unanimously.**
- a) Community Development Authority – 2 year term ending April 2010 – Currently seated, Bill Barribeau
 - b) Plan Commission/Trustee Member – 1 year term ending April 2009 – Currently seated, Bill Barribeau
 - c) PRUT Board/Trustee Member – 1 year term ending April 2009 – Currently seated, Carl Thomson
 - d) Utility Commission/Trustee Member – 1 year term ending April 2009 – Currently seated, Roger Kaas
- 11) Appointed by Village President/Confirmed by Village Board – **Miller moved to appoint and confirm the following persons to boards and commissions as indicated except vacant seats as noted. Barribeau second. Motion carried unanimously.**
- a) Plan Commission/Citizen Member – 3 year term ending April 2011 – Currently seated, **Howard Helker**
 - b) Plan Commission/Citizen Member – 3 year term ending April 2011 – Currently seated, **Tom Boll**
 - c) Plan Commission/Citizen Member – 3 year term ending April 2010 – Seat currently vacant. **Kathy Salo nominated to finish term.**
 - d) Community Development Authority/Citizen Member – 4 year term ending April 2012 – Seat currently vacant
 - e) PRUT Board/Citizen Member – 3 year term ending April 2011 – Currently seated, **Tom Jack**

- f) PRUT Board/Citizen Member – 3 year term ending April 2011 – Currently seated, **Frank Kirschling**
- g) PRUT Board/Citizen Member – 3 year term ending April 2009 – Seat currently vacant. **Chad Rucynski nominated to complete term.**
- h) Board of Appeals/Citizen Member – 3 year term ending April 2011 – Currently seated, **David Clifton**
- i) Board of Appeals/Citizen Member – 3 year term ending April 2011 – Currently seated, **Gary Flak**
- j) Board of Appeals/Citizen Member – 3 year term ending April 2009 – Seat currently vacant
- k) Board of Appeals/Alternate #1 – 3 year term ending April 2009 – Seat currently vacant
- l) Board of Appeals/Alternate #2 – 3 year term ending April 2008 – Seat currently vacant
- 12) Presentation of correspondence, resolutions, and related matters – None.
- 13) Adjournment – **Thomson moved to adjourn at 7:12 p.m. Kaas second. Motion carried.**

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

Village Board Meeting Minutes

Monday, May 12, 2008

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

roll call:

Present

Bill Barribeau

Roger Kaas

Joyce Laux

David Miller

David Petrie

Jim Rath

Carl Thomson

Others Present

Jennifer Schaff, Engineer

Stuart Boerst, McMahon Associates

Randy Friday, Administrator

Kathy Mader, Finance/Utility Clerk

- 2) Pledge of Allegiance – *recited*

- 3) Approval of the Agenda – ***Barribeau moved to approve the agenda. Kaas seconded. Motion carried unanimously.***

- 4) Registered Citizen Comments on Agenda Items –

- *John Friis, N549 Robinhood Dr, re. item 10)a)*
- *Bill Flynn, N370 Military Rd, re. item 5)a)*
- *Bob Anderson, N7829 S Niagara Ct, re. item 10)b)*
- *Miguel and Jane Callejon, W5154 Shorewood Ct, re. item 9)a)*
- *Rich Moore, W5142 Shorewood Ct, re. item 9)a)*

- 5) Report of the Plan Commission – May 5, 2008

- a. CSM2008.1: Recommended approval of *Certified Survey Map* for Frog’s Ice Cream shop (N370 Military Road) – ***Barribeau moved to approve Certified Survey Map for Frogg’s Ice Cream Shop (N370 Military Road). Rath second. Motion carried unanimously.***
- b. *Preliminary Request:* Reviewed application for proposed ‘4 Kids CC & LC’ daycare facility on Condon Street (private drive opposite Mobil Station)
- c. *Preliminary Request:* Reviewed application for proposed daycare facility (Wiegert; Stommel Road)

Discussed items 5)a) and 5)b). Friday explained the Conditional Use permits are approved at the Plan Commission level. The zoning issues are discussed at the Plan Commission level. After discussion, the Plan Commission can recommend approval for the zoning issue to the Village Board.

6) Report of Village Officers

- a. Village President – *Miller announced the addition of Kathy Salo to the Plan Commission with the resignation of Deny Dewing and the hiring of a new Fire Chief, Kevin Kloehn, for the Harrison Fire Department.*
- b. Clerk/Treasurer
 - i. Review/Approve financial reports – ***Kaas moved to approve the financial reports as presented. Thomson seconded. Motion carried unanimously.***
 - ii. High Cliff Cemetery: Consider/Approve ‘Sale of plot’ (Bradford) – ***Rath moved to approve the sale of plot at High Cliff Cemetery to Bradford. Petrie seconded. Motion carried unanimously.***
 - iii. High Cliff Cemetery: Consider/Approve ‘Agreement for Perpetual Care’ (ibid) – ***Rath moved to approve the agreement for Perpetual Care for the Bradford plot at High Cliff Cemetery. Petrie seconded. Motion carried unanimously.***

7) Village Engineer

- a. Force Main Project: Update – *Schaff reported on the project status. A formal report will be presented at the 5/27/2008 meeting.*

8) Village Administrator

- a. Capital Projects: Update
 - i. Yard Waste Site – *Friday reported the yard waste site is moving forward.*
 - ii. Village Board Chamber – *Friday confirmed the July target date is on schedule. Friday invited all members to visit the site and provide him with suggestions for logo options.*
 - iii. Water Source – *Friday announced the next meeting with Appleton Water is scheduled for Wednesday, May 21, 2008.*
 - iv. Public Works Garage – *Friday stated the contract has been signed off on and is ready for McMahon to proceed.*

Friday also inquired whether or not the Village Board would be receptive to a fall flag football program in the Village which will be run by the YMCA as are the soccer and baseball programs. All are fine with the flag football idea.

9) Old Business

- a. Review stormwater drainage (Moore; W5142 Shorewood Court) – *Reviewed correspondence. Moore and Callejon stated they are requesting the Village to provide them with an option to alleviate the standing water in their backyards. Moore submitted a picture that illustrates a pipe, previously installed by a neighbor,*

which drains into their backyard swale. Friday committed to writing a letter for Mr. Moore and the surrounding property owners, requesting them to meet and come up with a neighborly solution to the situation.

10) New Business

- a. Stormwater Drainage: Consider request to place additional culvert under Robinhood Drive (Friis; N549 Robinhood Drive) – *Reviewed and discussed pictures. Trustees requested Schaff to investigate whether or not there is an obstruction downstream which could be causing the back up.*
- b. Request to place tree(s) within Court area (Anderson; N7829 Niagara Court South) ***Miller moved to approve a \$500 donation for the trees in the S Niagara Court area and the public works employees level the embankment, with the stipulation the improvement plans are approved by the Village. Petrie seconded. Motion carried unanimously.***
- c. Stormwater Ponds: Consider proposal for stormwater pond maintenance (McMahon) – *Reviewed and discussed proposal with Boerst. Friday reminded the Trustees to take into consideration the \$8,700 already budgeted in 2008 for Aquatic Biologists, Inc for the ponds. Friday requested the Trustees to allow him time to research the actual funds available for stormwater pond maintenance. **Kaas moved to approve \$2,820 expenditure for Meadow Cliff Pond and \$1,370 expenditure for Mustang Pond as proposed with the contingency that spending the storm water funds is acceptable. Rath seconded. Motion carried unanimously.***
- d. Appointment of Village Officers: Review and approve slate of officers - ***Petrie moved to approve the appointed officials. Miller seconded. Motion carried unanimously.***

11) Complaints and Compliments: Stumps on property (Erb; N7740 Palisades Trail) – *Reviewed complaint. Schaff stated she was not aware of an issue in this area. Friday explained the stumps are in the right-of-way. Trustees suggest the resident could use an axe to remove the stumps.*

12) Closed Session: *Public Works employee Evaluation and Hiring Practices Review:*
Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – ***Barribeau made a motion at 8:36 p.m. to move to closed session Per Wis. Stats. 19.85 (1)(c) when considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Kaas seconded. Motion carried unanimously. Kaas made a motion to move to open session at 9:14 p.m. Thomson seconded. Motion carried unanimously.***

- 13) Consider/Approve employee hiring &/or hiring practices – *No further discussion or action.*
- 14) Adjournment – ***Petrie moved to adjourn at 9:15 p.m. Thomson seconded. Motion carried unanimously.***

Respectfully submitted for review and approval by Kathy Mader, Finance/Utility Clerk

Village Board Meeting Minutes May 27, 2008

- 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 | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| Jim Rath | |
| Carl Thomson | |

- 2) Pledge of Allegiance - Recited

- 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 April 28, 2008 Organizational Meeting; the April 28, 2008 Regular Meeting, correcting page 4, agenda item 8)d)i) changing the name of the motioning member from ~~Rath~~ to Kaas; and the May 12, 2008 Regular Meeting. Thomson second. Motion carried.*

- 5) Consent Agenda – *Barribeau moved to approve issuing operator’s licenses to Jennifer Kress, Aric Zuberbier, and Christopher Schlies. Kaas second. Motion carried unanimously.*
 - a) Operator’s License: Jennifer Kress
 - b) Operator’s License: Aric Zuberbier
 - c) Operator’s License: Christopher Schlies

- 6) Registered Citizen Comments on Agenda Items
 - Joe Nussbaum, N7909 Windsong Court, re agenda item 13) a) – Nussbaum reported that the creek bank on his property has eroded in small amounts each year, but this spring a large quantity of the bed has washed away. When these lots were created, he surmised, too little rip rap was placed in the creek bed to hold back the inevitable washout caused by increased upstream development and resulting storm water runoff.

Brian Breckheimer, N7935 Ridgeview Court, regarding correspondence from Administrator Friday sent subsequent to the Village Board meeting on May 12, 2008 related to Shorewood Court rear yard drainage swale issues. Breckheimer stated that former Coordinator Van Lieshout gave verbal approval to place a French drain in his back yard swale. Friday interjected that all drainage changes must be approved in writing, subsequent to an engineering review of the project and drainage plan per governing ordinance. Breckheimer responded that he is an experienced landscape contractor, and he made, or recommended, similar changes to rear yard swales for several neighboring property owners to the west without obtaining permits. Breckheimer requested topographic data of the Shorewood Court properties so that he can offer corrective landscape measures to those owners.

Rath read the letter into the record [attached and incorporated in minutes]. The correspondence was addressed to Breckheimer and to Shorewood Court property owners and upstream property owners east to Pigeon Road. Kaas commented that he remembered approving correspondence only to the three complaining Shorewood Court owners.

- 7) Presentation: Wayfinding Signage – Lynn Peters, Fox Cities Visitor’s & Convention Bureau, addressed the Board concerning the FCV&CB’s regional approach to helping visitors find their way in the Fox Cities by posting consistently fabricated and colored signage throughout the area’s 18 municipalities. Peters encouraged the Village to participate in the endeavor, and estimated the cost for two signs, mounted at each end of the Hwy. 114/55 corridor, at \$4,000. To offset the cost, she continued, FCV&CB is offering a 50% grant and the Heart of the Valley Chamber of Commerce is able to offset 50% of the remaining cost (25% of total). The grant will remain available for three years. The signs are expected to have an eight to ten year life. Peters will return with additional information if the Board decides to entertain joining the project.

Thomson commented that the gateway signs, donated to the Village (at half the proposed cost of FCV&CB signs) by the Sherwood Lions Club six years ago, remain very inviting and are expected to last another twenty years.

- 8) Report of the Utility Commission – May 19, 2008

1) ACTION ITEMS

- a. Consider recommendation of Water Conservation Ordinance – *Commissioners moved to recommend the Village Board approve the Water Conservation Ordinance as presented.*

A first reading of a Water Conservation Ordinance was considered. Minor changes to the language were made and the ordinance will be returned at the June 9, 2008 meeting for consideration of adoption. ***Kaas moved to schedule a public hearing regarding adopting Water Conservation Ordinance #08-100. Miller second. Motion carried. Laux opposed.***

2) INFORMATIONAL ITEMS

- a. *Water Tower: Project Update* – Engineer requested the commissioners schedule a special meeting for June 26th to discuss and recommend approval of the proposed project bid at the Village Board meeting on July 7th. Engineer stated he expects two bids for each style: Concrete, Bolted, and Steel.
- b. *Booster Pump: Discuss design concepts* – Commissioners were in agreement to recommend moving forward with the incorporation of a separate, sealed chlorination room from the proposed booster pump room, located in the Village office building.
- c. *Force Main: Project Update* – Engineer read through the report. Discussed the possibility of having to revise the Francis Smet easement description due to required adjustments on the project, possible additional costs due to the wait for the Wetland Permit, possible additional costs to the Village for repairs along Robinhood Drive and Cliffwood Drive roadways, and an alternative connection to the northwest lagoon at the WWTF from the project plan, at no additional cost to the project.

- d. *High Cliff State Park: Discharge(s) into Village Lift Station #3 and wastewater system* – High Cliff State Park ranger discussed their plan to inspect the area previously not inspected from the intersection to the bathhouse. Village Administrator will write a letter to High Cliff State Park and request they address their I&I problems.
- e. *Request to reduce billing (Schermerhorn – N7773 Windswept Lane: 5/5/2008)* – Commissioners tabled the item until the utility operator has had an opportunity to change the meter, per customer request, and discuss possible reasons for excessive usage.

9) Report of Village Officers

- a) Village President – Miller reported that his intended appointment to the Community Development Authority has not yet accepted the appointment.
- b) Clerk/Treasurer
 - i. Review/Approve financial reports – ***Laux moved to approve payment of the vouched claims as reported. Petrie second. Motion carried unanimously.***
 - ii. Review/Approve 2007 Final Budget Amendment – ***Barribeau moved to approve the 2007 Final Budget Amendment as presented. Rath second. Motion carried unanimously.***
 - iii. Review/Approve YE 2007 Designated Fund Balances – ***Barribeau moved to approve the year-end 2007 designations of fund balance as presented. Kaas second. Motion carried unanimously.***

10) Village Engineer

- a) Force Main Project: Update & Approve Pay Request # 1 – Engineer Schaff reviewed correspondence concerning Les Stumpf’s complaint that the force main crew has extended their work outside of the 30 foot easement.

Petrie moved with a second by Rath to approve Certificate of payment #1 in the amount of \$284,268.50 for partial payment for work performed through May 2, 2008. Motion carried unanimously.

11) Village Administrator

- a) Capital Projects: Update
 - i. Yard Waste Site – Administrator Friday reported that J & E Construction finished earth moving work on the project and Scott Nadler, of our Public Works staff, did a good job in finishing the site preparation. Additional trees will be ordered soon. He expects the project to be finished in mid-July.
 - ii. Village Board Chamber – Friday stated that wiring and sound system work is nearly finished. The dais table is in progress. He expects meetings to move into the new chambers in July.
 - iii. Water Source – Negotiations are continuing.

- iv. Public Works Garage – Friday reported good progress in pre-design meetings with the Tom Olson, Architect, Miller Wagner, Coenen, McMahon. The project remains on target for completion in November.

12) Old Business: None

13) New Business

- a) Stormwater drainage at Nussbaum property (N7909 Windsong Court): Consider future remediation efforts – Friday presented photos that depicted undercut creek banks caused by erosion from storm water runoff. He stated that a storm water utility would, in time, generate a funding source sufficient to cover costs to remediate this and other storm water system maintenance. Friday responded in the negative when asked by Rath if developers could be expected to cover remediation costs. Although TIF funds could possibly be used for some remediation purposes, he stated, those funds were meant to finance storm sewers, detention basins, and water/sewer infrastructure, and will run out sooner or later. Maxymek stated that the Storm Water Management Fund would be a logical source of funding, but that fund was not being replenished due to development slowdown and a tendency of developers to build in storm water conveyance and detention systems into the subdivision infrastructure. Rath stated that the Board may need to revisit the issue of establishing a storm water utility in the future. Engineer Schaff was asked to estimate costs for materials and labor to remediate the Windsong Court neighborhood streambed that has been undercut by spring runoff over several years.

14) Complaints and Compliments: Christie (N8007 Mustang Drive) – Board reviewed a complaint from Donna Christie regarding too early start time by a building contractor. Office Assistant Lautenschlager contacted contractor to advise re hours per Ord. 52(7)(a)(7). Contractor indicated he would talk to his crew.

15) *Closed Session: Review ‘Receptionist’ compensation, job duties, and position title. Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. **Kaas moved to proceed to closed session at 8:52 p.m. per Wisconsin Statute 19.85(1)(c) as stated. Thomson second. Motion carried unanimously.***

Kaas moved to return to open session at 9:45 p.m. Thomson second. Motion carried unanimously.

16) Consider/Approve change(s) to ‘Receptionist’ compensation, job duties, and/or title – ***Petrie moved to table until additional information is available. Thomson second. Motion carried unanimously.***

17) Adjournment – ***Thomson moved to adjourn at 9:45 p.m. Petrie second. Motion carried.***

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

Village of Sherwood

P.O. BOX 279 W482 CLIFTON RD.
SHERWOOD, WISCONSIN 54169-0279
(920) 989-1569
FAX (920) 989-4084

"Gateway to High Cliff State Park"

TO: _____
Shorewood Court / Ridgeview Court
Sherwood, WI 54169

FM: Randy Friday – Village Administrator

RE: Rear Yard drainage

May 15, 2008

Dear _____,

At its last Regular Meeting, the Village Board reviewed stormwater drainage issues in the Shorewood/Ridgeview Court area. In specific, the Board has concerns about backyard drainage issues between Pigeon Road and Windsong Court that have come up repeatedly in the past 2+ years.

Upon Staff inspection of properties bordering the Village stormwater drainage easement area in rear yards between Pigeon and Windsong, the Board was made aware of drain tile that has been placed within the Village "grassed swale" stormwater easement area.

If drain tile was placed on your property without a permit from the Village it has been done so illegally and is in violation of the State- and Village-approved plat and stormwater specifications for this area.

Staff discussed with the Village Board that because the area is relatively flat, it may be acceptable if all properties are connected to a single, approved, stormwater drain tile system that would outfall at Windsong Court, to alleviate collection and pooling of water from upstream properties downstream. The Board will consider the following remedies:

- Allow residents, as a group, to install a single drainage system benefiting all users. This would place a *french drain* system (rock over perforated pipe) beginning at Pigeon Road, running westerly to Windsong – the current *grassed swale* stormwater easement area. Village Staff will review and give final approval to any proposal.
- Staff will consider imposing fines, and/or remedying at owner's cost via special assessment, if properties remain in violation of the State and Locally-approved construction documents.
- Removing improperly placed rear yard piping that lies in the area approved as "grassed swale".

It is in the best interest of all parties for a solution to come from within your neighborhood. Passing a stormwater burden from one property to another was never the intent of the approved stormwater management plan. However, a problem now exists that involves some properties being dry, while others remain wet during a majority of the year.

The Board is hopeful affected properties will solve the current problem as a group. That is, renting a 'ditch witch' machine to dig a trench, then placing stone & perforated PVC piping at the proper descending slope between Pigeon Road and Windsong Court, to alleviate the pooling water.

This is a very cost-effective solution, as compared to having a professional engineer design a system and then hiring a separate contractor to do the work.

Please take some time to discuss this issue with your neighbors. Attached is a list of abutting properties, as well as an aerial map of the drainage problem area.

I look forward to hearing from, or meeting with you as a group, to rectify this situation in the Summer.

Regards,

Randy Friday

CC: Village Board

Encl: Aerial map
Affected properties list

Village Board Meeting Minutes
Monday, June 9, 2008 – 6:30 pm
Sherwood Community Center

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

| | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| Jim Rath | |
| Carl Thomson | |

- 2) Pledge of Allegiance – Pledge recited.

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

- 4) Approval of Minutes – ***Barribeau moved to approve the minutes of the May 27, 2008 meeting. Rath second. Motion carried.***

- 5) Registered Citizen Comments on Agenda Items
 - Al Ott, Representative, State Assembly District 3, re agenda item 6).

- 6) Presentation: *Trail Between the Parks* (Jeff Samida – Friends of High Cliff; Joe Hennlich – Superintendent; High Cliff State Park) – Mssrs. Samida and Hennlich reported on benefits to be gained to the local economy and for local recreation enthusiasts if High Cliff State Park and Calumet County Park are linked by the proposed “Trail Between the Parks”. They are seeking support from the municipalities in the endeavor as a precursor to seeking funds and property access rights necessary to move the project to the next level. Representative Ott questioned who would be responsible for long term maintenance of the trail, if built. Hennlich responded that long range plans have not been determined as to maintenance etc., but said that the trail may become the responsibility of either of the two park systems or a joint effort.

- 7) Report of the Plan Commission – June 2, 2008
 - a) Resolution: Approve *Trail Between the Parks* concept – Plan Commission recommended approval of a Resolution Supporting the Planning of the “Trail(s) Between the Parks” Linking High Cliff State Park and Calumet County Park.

Barribeau moved to approve Resolution 2008 – 06 A Resolution Supporting the Planning of the “Trail/s Between the Parks” Linking High Cliff State Park and Calumet County Park. Petrie second. Motion carried with Laux voting against.

Administrator Friday informed the public that the Board will take testimony pertinent to the rezoning petitions at hand. He stated that other items on the agenda, though they may be of interest to the audience, are not matters pertinent to the hearing.

b) PUBLIC HEARING – RP2008.1: Petition to rezone 25.5 acres of vacant Agriculture (Ag.) land (Wittmann) to R-2 (Single & Two-Family Residential)

- Vern Bastjan, W4879 Cliffview Drive, commented that he was not notified of the hearing [Plan Commission 6/2/08] regarding a grant of conditional use for a daycare facility in a residential district. His property, he said, would be adversely affected by traffic and noise as a result of a daycare and he is opposed to any approval that would allow such a facility in his neighborhood.
- Paul Eckes, W4886 Cliffview Drive, stated his disapproval of the Stommel Road daycare site.
- Kay Wiegert, 285 East Hills Road, Brillion, stated that she and her husband operate a daycare facility in Brillion and have a good relationship with neighboring property owners. She sees a need for daycare in the Sherwood area and would like to build a facility, similar to the business in Brillion, in a neighborhood where there are families and safe areas for children to play and learn.
- Paul Holinbeck, W4847 Cliffview Drive, stated that the Stommel Road neighborhood was intended for single family residences and not for businesses. He is concerned about excessive traffic in the residential area.
- Kathy Holinbeck, W4847 Cliffview Drive, stated her concern for the future of Sherwood, because prospective residents will be “turned off” by a daycare in the residential area. She continued that daycare businesses were more appropriate in commercial districts.
- Kate Zietlow, W4895 Golf Course Road, stated opposition to designating the 25 acre Lakeshore Estates site as R-2 zoning, because the development group could plat the parcel for duplex sites in the future. Zietlow also is concerned about traffic and decreasing property values in the event the daycare is built. She said that Pigeon Road would be better suited for a daycare facility.
- Paula Eckes, W4886 Cliffview Drive, stated concern about increased daycare traffic and believes a perfect spot for a daycare is in a commercial district such as Hwy. 114/55.
- Ray Gewecke, N8188 Big Lake Lane, said that the power to grant conditional use permit should lie with elected officials and not be within the authority of the Plan Commission.

- Terry and Cindy Krueger, stated that the Wiegert's Brillion daycare facility has a church, a senior home, apartments and other similar facilities in its neighborhood. It is not in an area of only residential homes as would be the case if located on Stommel Road.
- Harland Zietlow, W4895 Golf Course Road, stated that a daycare could be located on Pigeon Road because it is a main thoroughfare for traffic into the Village. He then suggested that the citizenry vote the Board out. Zietlow continued, saying that a daycare could fail and asked what [the Board] would do in that case. Miller responded that the Trustees are responsible for deciding issues in the best interests of the entire Village, not of a single interest group or for the success of a single business.
- Kristina Scott, W5019 Cherrywood Drive, presented a petition signed by approximately 65 citizens opposed to rezoning the Lakeshore Estates property R-2 and opposed to construction of a daycare on Stommel Road. Scott believes that a daycare would cause significant safety and traffic concerns.
- Joe Hennlich, spoke as a member of Sherwood's Plan Commission saying that the Commission acts with a great deal of forethought on issues and petitions that are brought before it. The Commission works to make planning decisions based on the legal authority embodied in the zoning and subdivision ordinances. He continued that he thinks it is the best interest of the Village's children to have access to daycare in a park-like setting such as that found at the proposed Stommel Road site.
- Bob Giesen, W4871 Cliffview Drive, stated opposition to any zoning other than R-1, single family homes.
- John and Sandy Sharer, W5011 Cherrywood Drive, stated via e-mail that he and his wife settled on purchasing their new residence in Sherwood after viewing over 20 homes in the Appleton area because it is a residential, non-commercial atmosphere sought for their retirement years. He wrote that he received Protective Covenants that depicted the Lakeshore Estates property to Stommel Road platted for residential development only. In his opinion "the covenants were, in part, established to secure prospective property owners by providing up front rules for purchasing a home in Sherwood. It seems [the Village is] changing the rules after the fact.

Following three calls for comment Miller announced the public hearing closed at 7:50 p.m. Petrie thanked the citizens for their comments.

RP2008.1: Petition to rezone 25.5 acres of vacant Agriculture (Ag.) land (Wittmann) to R-2 (Single & Two-Family Residential) – Plan Commission recommended approval of a zoning map amendment changing the described 25.5 acre parent parcel from Agricultural to R-2, Single & Two-Family Residential zoning. Wittmann stated that when the development group subdivides the property it will plat for single family residential only. The zoning amendment requested is R-2 to keep it consistent with the other residential zoning in the vicinity.

Wittmann requested that the petition be change to rezone the 25.5 acre vacant parcel from Agricultural to R-1 Single Family Residential.

Rath moved to accept the change of petition and to approve rezoning the 25.5 acre vacant parcel owned by Lakeshore Estates LLC from Agricultural to R-1 Single Family Residential. Kaas second. Motion carried.

- c) CSM 2008.2 Certified Survey Map creating 3.5 acre lot on Stommel Road (Wittmann) – *Plan Commission recommended approval of a CSM dividing Lot 1, a 3.501 acre lot from an unplatted 25.5 acre parent parcel owned by Lakeshore Estates LTD. Robert Wittmann, a principal member of Lakeshore Estates LTD, gave assurances that a planned sale of the divided lot would include a stipulation that an officially mapped road connecting Cliffview Drive and Natures Way Drive would be dedicated and built when further platting of the properties is brought to the table.*

Wittmann withdrew Certified Survey Map 2008.2 creating 3.5 acre lot on Stommel Road from further consideration.

- d) CU2008.1: Conditional Use Request allowing daycare facility on 3.5 acre R-2 lot (see CSM2008.2; Wiegert) – *Following a Public Hearing, Plan Commission approved a conditional use request allowing a daycare facility on part of a 3.5 acre lot, zoned R-2 Residential, described as Part of the SE ¼ of the NE ¼, Sec 25, Town 20 N, Range 18 E, Village of Sherwood, Calumet County, WI. The grant of conditional use is contingent on approval by the Village Board of rezoning petition RP2008.1.*

Due to the negative comments voiced during public hearing, Wiegert withdrew Conditional Use Request 2008.1 allowing a daycare facility on a 3.5 acre R-2 lot.

Barribeau moved to accept withdrawal of the request for a conditional use, granted previously by the Plan Commission, to allow a daycare facility on property zoned residential. Laux second. Motion carried unanimously.

- e) Public Hearing – ZOA2008.1: Zoning Ordinance Amendment request to allow daycare facilities in commercial (C-1) district
- Joel Enfurth, Mach IV Engineering, spoke in favor of a zoning text change to allow a daycare facility as a conditional use granted in a commercial district. The [Hwy. 114/55 & Condon Road] infrastructure is designed for higher traffic with two dedicated lanes for turning. Many communities have a site plan review process which assures that such a facility will be built to high standards desirable in a commercial corridor including oversight of materials and design, storm water management facilities, signage, set backs, parking, and fencing.
 - Tom Reindl, Condon Oil Company, said that ten years ago the Village required that a road be built to allow a second access to the Mobil Mart property. It was his

understanding that the Village now wants Condon Road extended to the west lot line to connect with Knight Drive in the future. He stated it would cost too much for the owner to develop the road to the south property line and make a profitable sale. Friday assured Reindl that the Village did not want the owners to build the road extension, but rather only to dedicate a 60 foot right-of-way to the south property line.

- Bob Giesen, W4871 Cliffview Drive, stated his objection to any daycare facility in the Village.
- Kate Zietlow, W4895 Golf Course Road, said she is not opposed to construction of a day care on Hwy. 114/55.
- Paula Eckes, W4886 Cliffview Drive, stated she would be glad to see a daycare in the commercial district

Following three calls for comment Miller closed the public hearing at 8:35 p.m.

ZOA2008.1: Request to allow 'daycare facility' as an approvable conditional use within the zoning code C-1 (Commercial) District (Fletcher; Keller) – *Plan Commission recommended approval of an amendment to the zoning code text to allow 'daycare facility' as an approvable conditional use within a C-1 Commercial District.*

Kaas moved to approve an amendment to Zoning Ordinance No. 65 to allow 'daycare facility' as an approvable conditional use within the zoning code C-1 (Commercial) District. Petrie second. Motion carried unanimously.

- f) CSM2008.3: Request to approve Certified Survey Map creating three buildable lots on Condon Oil (Mobil Station) property – *Because no CSM was presented the developers were instructed to return to the Plan Commission with the land division instrument within 30 days.*

Miller moved to table the matter until it is presented at the July 7 Plan Commission meeting. Thomson second. Motion carried unanimously.

- g) CU2008.2: Request to approve Conditional Use Request allowing daycare facility on portion of Condon Oil (Mobil Station) property – *Following a Public Hearing, Plan Commission approved a Conditional Use request to allow a daycare facility on a portion of the Condon Oil property that is zoned C-1 Commercial. The approval is contingent on future approval by the Plan Commission and Village Board of a Certified Survey Map, brought forward within one month, dividing the property; and on approval of a zoning code text amendment allowing a day care facility as a conditional use in a C-1 commercially zoned district.*

Miller moved to approve a Conditional Use request to allow a daycare facility on a portion of the Condon Oil property that is zoned C-1 Commercial. The approval is contingent on future approval by the Plan Commission and Village Board of a

Certified Survey Map, dividing the property Thomson second. Motion carried unanimously.

- h) Shenanigan's: Discuss expansion of Shenanigan's to include handicap ramping and covered porch on Main Street area – *Plan Commission reviewed a planned expansion of Shenanigan's to cover a portion of the front sidewalk, construct a handicap accessible ramp entrance, replace exterior railing with one similar to those on the building across the street, match the exterior T1-11 siding material and color. Commission also suggested the addition of decorative planters. Plan review and permit approval will be handled administratively.*

A planned expansion of Shenanigan's to include handicap ramping and covered porch on Main Street area was reviewed by the Village Board.

8) Report of Village Officers

- a) Village President – Miller announced that Steve McGrath has agreed to serve on the Community Development Authority. The appointment will be placed on the next meeting agenda for approval by the Board.

b) Clerk/Treasurer

- i. Review/Approve financial reports – ***Rath moved to approve financial reports including vouchers as presented. Kaas second. Motion carried unanimously.***

ii. Operator's Licenses – Consider/Approve the following:

- Elizabeth Ann Kasper
- Tami Dianne Verhagen
- Danni Liu
- Elizabeth M Hammen
- Brooke Marie Gutsmedl
- Rebecca Mader
- Maria Ann Schneider
- Whitney Diedrich
- Kelsey Kroll

Barribeau moved to approve issuance of operator's licenses to the listed applicants. Thomson second. Motion carried unanimously.

9) Village Engineer

- a) Force Main Project: Approve Change Order #1 related to blasting (\$101,200) – Engineer Schaff reviewed the change order, reporting that actual quantities will likely come in lower than anticipated by the change order. Schaff also called attention to DNR correspondence which stated the application to impact wetlands due to blasting was reviewed and cleared for commencing the project. ***Kaas moved to approve Change Order No. 1, Force Main Contract, McM. No. S0011-960469.10, for \$101,200, which brings the new contract amount to \$810,350.10. Rath second. Motion carried unanimously.***

- b) Drainage Improvements & Forest Lane Reconstruction – Schaff reviewed correspondence directed to Jossart Bothers Inc. concerned with cracking and deformation of new pavement on Spurline Court, Bridle Road, Blackcherry Court and Forest Lane caused by trench settlement. She stated in the correspondence that the Village would like these streets repaired which will entail milling, re-grading and re-asphalting. In addition several sections of cracked concrete curb and gutter on Forest Lane need replacement and a punch list of items needs to be addressed before the streets are repaved and the contract finalized. Kaas noted that there seems to be some excessive road settlement at Palisades Trail.
- 10) Village Administrator
- a) Capital Projects: Update
- i. Yard Waste Site – Administrator Friday stated that recent extraordinary rainfalls have delayed planting of trees screens at the yard waste site to the end of the month. He commented on the nice job of earth moving done by J & E Construction while preparing the site.
 - ii. Village Board Chamber – Friday reported that the laminate top of the dais has been selected and the dais is under construction. Still to be completed are lettering on the dais front and on the chamber doors. He is having maps made and mounted on foam cores for presentations. Kaas stated that he will donate a podium.
 - iii. Water Source – Talks continue according to Friday and necessary reports have been filed with the DNR per the Consent Order.
 - iv. Public Works Garage – Design work and project specifications are being developed prior to bidding the project.
- 11) Old Business: None
- 12) New Business
- a) Public Hearing: Municipal Ordinance Amendment 2008.1: An Ordinance to Preserve, Conserve, and Limit Water Use for Lawns, Grasses, Outside Plants, Trees, Shrubs & Similar Plants.
- Kristin Scott, W5019 Cherrywood Drive, questioned whether an exception to watering limitations was made for watering [new] lawns and scrubs. Friday responded that the ordinance specified an exception for newly seeded and sodded lawns for a 30-day period upon issuance and display of a permit, as well as an exception for use of a handheld watering device such as handheld hoses, sprayers, watering cans.

Following three calls for public comment the hearing was closed by President Miller at 9:07 p.m.

Barribeau asked that the text of the water conservation ordinance be clarified to state that limitations would be in effect for water drawn from the Village of Sherwood municipal water supply only. He also requested that the ordinance take effect on July 1, 2008 to allow time to notify residents of the impending restrictions. **Barribeau moved to adopt Ordinance 08-100, An Ordinance to Preserve, Conserve, and Limit Water Use for Lawns, Grasses, Outside Plants, Trees, Shrubs & Similar Plants, with changes as specified. Rath second. Motion carried with Laux voting against.**

- b) Fee Schedule: Approve \$500 fee for ‘Open Cuts in Public Roadways’ – Rath noted that the Calumet County fee for open cutting of county roadways is \$1,000. Petrie argued against the fee. **Rath moved to approve a fee of \$1,000 for open cuts in public roadways. Miller second. Motion carried with Petrie against.**
- c) Resolve changes to *Fee Schedule* (as noted in a. & b. above) – **Kaas moved to approve changes to Village Fee Schedule as a result of approval of the fee schedule attachment to Ordinance 08-100 and approval of fee for open cuts in the public roadways. Rath second. Motion carried without dissent.**
- d) Request to use Village’s large soccer goals outside village (YMCA) – **Laux moved to deny request made by the YMCA to use Village’s large soccer goals outside village. Petrie second. Motion carried unanimously.**

13) Complaints and Compliments: None

14) Adjournment – **Kaas moved to adjourn at 9:25 p.m. Rath second. Motion carried.**

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

Village Board Meeting Minutes June 23, 2008

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

| | |
|----------------|-------------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, McMahon Associates |
| David Miller | Stuart Boerst, McMahon Associates |
| David Petrie | Tom Olson, McMahon Associates |
| Jim Rath | Randy Friday, Administrator |
| Carl Thomson | Ellen Maxymek, Clerk/Treasurer |

2) Pledge of Allegiance – Pledge recited.

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

4) Approval of Minutes – *Barribeau moved to approve the minutes of the June 9, 2008 meeting. Thomson second. Motion carried.*

5) Approval of the Consent Agenda

a) Schedule for Appointment of Agent By Corporation

i) High Cliff Golf Course, Inc., appoints Douglas R. Laux II, Agent – *Miller moved to approve the appointment of Agent Douglas R. Laux. Petrie second. Motion carried unanimously.*

b) Alcohol Beverage License Approval – *Kaas moved to approve issuing licenses to all listed applicants. Rath second. Motion carried unanimously.*

i) Class A Malt Beverage, Liquor & Wine

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

ii) Class B Malt Beverage

(1) High Cliff Golf Course, Inc., Douglas R. Laux II, Agent

iii) Class B Malt Beverage, Liquor & Wine

(1) Sherwood Forest Golf Club, Inc. dba Sherwood Forest Golf Club, Jodi Jacobs-Hammen, Agent

(2) The Cliffs of Sherwood, Ltd., dba High Cliff Restaurant, Charles F. Schuster, Agent

(3) Crabby Julie's Bar & Grill, LLC., Julie Ann Roovers, Agent

(4) Outpost Pub & Provisions, LLC, Marilyn Nettekoven, Agent (Reserve License)

(5) Jean M. Sprangers, dba Jeannes

(6) Duncliffe, Inc., dba Shenanigans, Rick Dunnum, Agent

(7) Wanda Loise Schabow, dba The Granary Supper Club, Wanda Schabow, Agent

iv) Temporary Class "B" Beer at Picnic

(1) St. John-Sacred Heart Parish – Picnic August 2-4, 2008

c) Tobacco Products Retail Outlet License – *Petrie moved to approve issuing licenses to all listed applicants. Miller second. Motion carried unanimously.*

- i) Condon Oil Co., Inc., dba Sherwood Mobil Mart
 - ii) High Cliff Golf Course, Inc.
 - iii) Sherwood Forest Golf Club, Inc.
 - iv) Cliffs of Sherwood, Ltd., dba High Cliff Restaurant
 - v) Crabby Julie's Bar & Grill LLC
 - vi) Jeanne's Bar & Grill
 - vii) The Outpost Bar & Grill, LLC
- d) Operator's License Applications – ***Kaas moved to approve licenses to all listed applicants. Miller second. Motion carried unanimously.***
- i) Linda Lou Eichinger
 - ii) Luann Mae Koch
 - iii) Patricia J Meyers
 - iv) Amy Beth Kuhn
 - v) Joel B Pethan
 - vi) Thomas J Lammi
 - vii) Amy Jo Breckheimer
 - viii) David John Breckheimer
 - ix) Rachelle Lea Meyerhofer
 - x) Curtis Michael Mader
 - xi) Sasha M Vandenheuvel
 - xii) Whitney Beth Reiter
 - xiii) Julia Lindsay Dlugopolski
 - xiv) Amanda Lee Dlugopolski
 - xv) Rachel Elizabeth Strelow
 - xvi) Michelle A Sieckert
 - xvii) Amanda R Swedberg
- 6) Registered Citizen Comments on Agenda Items
- Rich Moore, W5142 Shorewood Court, brought updated information regarding the management of drainage swale issues on his and neighborhood properties. He asked for review of the information by the administrator and engineer.
 - Joe Nussbaum, N7909 Windsong Court, re agenda item 9)b)i.
 - Troy Neuber, N7827 Palisades Court, re agenda item 11)a).
 - Scott Van Haveren, Veolia Environmental Services re agenda item 12)a).
- 7) Report of the Utility Commission – June 16, 2008 – ***Petrie moved to accept the report. Miller second. Motion carried unanimously.***
- 1) ACTION ITEMS
- a) Asbestos Mitigation: Consider/Approve recommendation for asbestos removal in Village Hall boiler room – *Commissioners recommended approval of a \$6,900 quote from AAES, Inc. & AD/MS, LLC for asbestos abatement and demolition of piping in the Boiler Room and North Tunnel East/West.*

Village Board Action: ***Barribeau moved to approve the recommendation of the Utility Commission to accept \$6,900 proposal from AAES, Inc. & AD/MS, LLC for asbestos abatement and demolition of piping in the Recreation Center/Plaza Boiler Room and North Tunnel East/West. Petrie second. Motion carried unanimously.***

- b) Recommend approval of Resolution #2008-05 approving the Village of Sherwood 2007 Compliance Maintenance Annual Report (CMAR) – *Commissioners recommended approval of Resolution #2008-05 for the Sherwood 2007 Compliance Maintenance Annual Report (CMAR).*

Village Board Action: ***Kaas moved to approve Resolution #2008-05 for the Sherwood 2007 Compliance Maintenance Annual Report (CMAR). Rath second. Motion carried unanimously.***

2) INFORMATION ITEMS

- a) Force Main: Project update – *Engineer reported the project is through the wetlands on the Stumpf property, the contractor is doing some restoration, and will test the lines all at once, which may take a couple days.*
- b) Water Tower: Project update – *Engineer stated that there is no electrical at the selected site. It would be nice to have an outlet on site but no major electrical project. Engineer requested the commissioners to suggest a fence for the site. The commissioners were in agreement for a fence which is within the guidelines of the Homeland Security requirements. Commissioners requested there be no signage at the site. Administrator confirmed a special meeting of the Utility Commission is scheduled for 9:00 a.m. on Thursday, June 26, 2008.*
- c) Sanitary Sewer Overflow Report for June 9 activity – *Jason Wiese, High Cliff State Park, stated that the park is aware of the influx and they are taking steps to rectify the problem by building an additional lip at the sanitary station and placing plastic covers inside the manholes. Wiese will email the administrator with their intentions and will provide updated progress reports.*
- d) TTHM level exceedence (May 2008) – *Operator in charge reported the 190 level is the same level as last quarter.*
- e) Request by Crane Engineering to perform annual PM on 4 valves – *Commissioners approved the \$1,600.00 quote.*
- f) Request to reduce billing (Schermerhorn – N7773 Windswept Lane) – *Based on a “pass” test of the removed meter, the commissioners moved to deny the request.*
- g) Request to place irrigation on residential property metered by a second water meter (Tim Babcock, W588 Robinhood Dr) – *Babcock explained that he is requesting the second meter so he would not have to pay sewer charges when irrigating his lawn. Utility Clerk explained, to the utilities knowledge, no Sherwood residence has a second meter*

installed and it has been the commission's policy to assess sewer charges for lawn watering and filling pools. Commissioners moved to table the request for a second water meter until the July meeting when more information can be presented.

- h) Consider sale of Utility lawnmower – *Administrator explained, after discussion with the Public Works personnel, that the lawnmower was purchased in 2000 and has been unused since the fall of 2002 when the Commission decided to contract outside services for the lawn mowing, which the public works has done since 2006.*
- 8) Report of Village Officers
- a) Village President – No report.
 - b) Clerk/Treasurer
 - i) Review/Approve financial reports – ***Laux moved to approve expenditures for vouched payables as presented. Kaas second. Motion carried unanimously.***
 - ii) High Cliff Cemetery: Consider/Approve ‘Sale of plot’ (Denson) – ***Barribeau moved to approve sale of cemetery plot. Petrie second. Motion carried unanimously.***
 - iii) High Cliff Cemetery: Consider/Approve ‘Agreement for Perpetual Care’ (ibid) – ***Barribeau moved to approve agreement for perpetual care. Petrie second. Motion carried unanimously.***
- 9) Village Engineer
- a) Force Main Project: Consider/Approve Payment #2 for \$288,992.75 (Dorner) – ***Barribeau moved to approve Certificate for Payment #2 to Dorner Construction in the amount of \$288,992.75. Kaas second. Motion carried unanimously.***
 - b) Stormwater issues:
 - i) Consider/Approve expenditures on Nussbaum property (N7909 Windsong Court) to improve storm water outfall area – Nussbaum stated that the drainage channel on his property at N7909 Windsong Court has been severely undermined by recent large rainstorms and that the rip-rap installed as part of the original subdivision drainage system is inadequate to forestall continuous heavy erosion of land. Engineer Schaff stated that costs to rip-rap the drainage channel will likely go up from an estimated \$7,488 because recent rainstorms have erode the waterway substantially. ***Barribeau moved to proceed with repair and rip-rap of the drainage channel. Laux second. Motion carried unanimously.***
 - ii) State Park Road culvert: Consider cleaning request – Schaff reported that a downstream plume of sediment is backing up from Lake Winnebago into a culvert at State Park Road and is, according to local residents causing a rank, odorous condition. According to DNR Stormwater Specialist Jon Brandt, no permit would be needed to clean out the backup as long as no sediment is allowed back into the lake. ***Barribeau moved to authorize the engineer to investigate and establish cost to vacuum the sediment. Rath second. Motion carried unanimously.***

10) Village Administrator

a) Capital Projects: Update

- i) Yard Waste Site – Administrator Friday reported that, weather permitting, screening trees will be planted around the yard waste site property by the end of the week. Rath reported receiving calls from a group of citizens who are unhappy about having to pay for dumping yard waste when the service is no cost at this time. Barribeau and Kaas discussed having no charge for residential yard waste dumping during the first year of operation until costs are established. However, commercial dumping fees should be charged. ***Rath moved to table the matter until the next meeting. Miller second. Motion carried unanimously.***
- ii) Village Board Chamber – The board chamber project is on schedule. Furnishings are on order and the dais desk is under construction.
- iii) Water Source – Discussions continue with City of Appleton. The negotiations will be deliberated in closed session.
- iv) Public Works Garage – The original estimate of \$350,000 is likely to double due in large part to increasing oil prices and the impact on the entire economy.

11) Old Business:

- a) Reimbursement Request: Troy Neuber (7827 Palisades Court) for landscaping costs associated with storm sewer project (2005) – Neuber was present to request reimbursement for costs to remove and replace trees and restore landscaping associated with the 2005-2007 storm drainage system project as reportedly agreed to by the former coordinator. ***Miller moved to approve reimbursement in the amount of \$2,837.10. Barribeau second. Motion carried unanimously.***
- b) Stormwater ponds: Grass-mowing & pond maintenance schedule (McMahon) – Stuart Boerst addressed the Board, making recommendations for current year priorities and referencing the long-range pond maintenance plan. He stressed the importance of spot herbiciding, mowing, planting and over-seeding, saying that previous planting and seeding efforts will be lost if follow-up maintenance is not regularly performed. Friday asked Boerst to provide the Public Works crew with the plan and schedule so that their work schedules can be modified. Responding to an inquiry by Rath, Boerst stated that desired pondscaping results will take two to three year of regular maintenance to achieve.

Petrie vehemently stated that residents in the vicinity of Mustang Pond were promised that the pond will be maintained in good order and that those promises and wants are not being met. Friday responded that water levels on Mustang Pond are being monitored to assure that DNR permit requirements are not exceeded. He stated that boards at the outfall will be removed when found and that if tampering continues additional steps, including issuing citations, will be taken to protect the infrastructure. Miller noted that during the recent extremely heavy storms, Sherwood's storm water system worked very well and that no flooding was experienced in this community.

Barribeau moved to approve the agreement for storm water pond maintenance services with the expectation that the long term pond maintenance plan will be updated and accomplished annually. Kaas second. Motion carried with Petrie voting against.

12) New Business

- a) Garbage contract: Request by contractor (Veolia) to add fuel surcharge to current contract pricing (Scott Van Haveren) – Van Haveren appeared on behalf of Veolia to request an amendment to the solid waste removal contract to allow a fuel surcharge. The request is precipitated by the an increase in contractor costs of \$800 per month. The surcharge, if approved, will approximate a 12% monthly increase equivalent to \$538. The surcharge will be readjusted if fuel costs drop back to previous levels in the future. The Board discussed recovering those costs by increasing the special charge for garbage and refuse service placed annually on the tax roll. ***Barribeau moved to approve payment of a fuel surcharge beginning July 1, with a proviso that charges for waste removal at the Village Hall and Community Center will be waived by the contractor. Miller second. Motion carried unanimously.***
- b) *Community Development Authority*: Consider/Approve appointment of Steve McGrath – ***Barribeau moved to approve the appointment of Steve McGrath to the Community Development Authority. Thomson second. Motion carried unanimously.***
- c) Consider/Approve *Temporary Use Permit* and related fee(s) – ***Rath moved to establish a temporary use permit and related fees of \$50 for temporary use for 1-10 days and over 10-days of temporary use of \$100. Laux second. Motion carried unanimously.***
- d) Consider/Approve continuation &/or changes to franchise fees, and franchise agreement with Time Warner cable – ***Rath moved to continue franchise agreement with Time Warner Cable and to increase the amount of the franchise fees from 4 percent to 5 percent of gross revenues. Miller second. Motion carried unanimously.***
- e) Public Works Garage: Consider/Approve final bid specifications for new building – Tom Olson reviewed garage building specifications, noting that the asphalt surface surrounding the public works buildings will need to be repaved to achieve necessary grade for proper drainage. ***Barribeau moved to approve final bid specifications for Public Works Garage. Laux second. On call of roll Barribeau, Kaas, Laux, Miller, Rath, Thomson voted in favor. Petrie voted against. Motion carried.***
- f) Consider/Approve ordinance adopting the *Village of Sherwood Year 2030 Comprehensive Plan (Smart Growth Plan)* – Due to the absence of the facilitating planner, ***Rath moved to table the matter to the next meeting. Petrie second. Motion carried unanimously.***

13) Complaints and Compliments: Miller thanked Tom Collins, Reporter for Times-Villager Newspaper, for his excellent coverage of Village meetings.

14) *Closed Session/s*:

- a) Update on water purchase options: Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when 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

- b) Consider Village Receptionist position, re-classification & compensation: Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility

Barribeau moved to proceed into closed session at 9:18 p.m. per Wis. Stats. 19.85(1)(e) and 19.85(1)(c) as stated. Laux second. Motion carried unanimously.

Petrie moved to return to open session at 10:43 p.m. Thomson second. Motion carried.

15) Adjournment – ***Barribeau moved to adjourn at 10:43 p.m. Petrie second. Motion carried.***

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

Village Board Meeting Minutes

Monday, July 14, 2008

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

Present

Bill Barribeau

Roger Kaas

Joyce Laux

David Miller

David Petrie

Jim Rath

Carl Thomson

Others Present

Gary Rosenbeck, Engineer

Randy Friday, Administrator

Kathy Mader, Finance/Utility Clerk

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

- 4) Approval of Minutes: *None.*

- 5) Registered Citizen Comments on Agenda Items

- *Kip Golden, Keller, Inc re item 6)b)*

- 6) Report of the Plan Commission – July 7, 2008

- a) CSM2008.3: *Certified Survey Map* creating enlarged Lot 1 at W4773 Nature Lane (Storey property) that combines previously-owned Village property

Kaas moved to approve Certified Survey Map, CSM2008.3, creating enlarged Lot 1 at W4773 Nature Lane (Storey property) that combines previously-owned Village Property. Thomson seconded. Motion carried unanimously.

- b) CSM2008.4: *Certified Survey Map* creating buildable lot for daycare facility (Lot 2) on private road opposite Mobil Oil station (Lot 1)

In response to the trustees, Golden confirmed the exterior material of the building will be as discussed. Friday announced that the original CSM is ready for recording. Friday, also, stated that he and Mr. Golden plan to meet on Wednesday, July 16, for the site plan review process to insure the signage, set backs, parking, fencing, and other conditions are in order. Friday furthered explained that the Village has received a 60 foot right-of-way dedication to the south property line for the private road between the Mobil Mart property and the proposed daycare facility.

Miller moved to conditionally approve Certified Survey Map, CSM2008.4, creating buildable lot for daycare facility (Lot 2) on private road opposite Mobil Oil station (Lot 1). Laux seconded. Motion carried unanimously.

- c) Petition for *Direct Annexation by Unanimous Approval* for Peter Strandwitz property (36 acres; N8144 State Park Road)
Rath moved to approve petition for Direct Annexation by Unanimous Approval for Peter Standwitz property (36 acres; N8144 State Park Road). Petrie seconded. Motion carried unanimously. Friday stated that Mr. Standwitz plans to develop and sub-divide the property.
- d) Signage Request: Outpost Bar & Grill (update signage)
Friday explained that the owner of the Outpost Bar & Grill has submitted plans to erect a permanent business advertisement sign on their property. No action is required.
- 7) Utility Commission – June 26, 2008
- a) Water tank construction: Recommend bid award for 300,000 gallon glass-coated, bolted steel tank bid (Heartland Construction @ \$352,812.08) – **Petrie moved to approve the \$352,812.08 bid from Heartland Construction for the 300,000 gallon glass-coated, bolted steel tank in the color blue. Kaas seconded. Motion carried.**
- b) Water main construction: Recommend bid award for new main to connect existing system to new tank (Roger Bowers @ \$113,590) – **Miller moved to approve the \$113,590 bid from Roger Bowers for a new main to connect existing system to new tank. Rath seconded. Motion carried.**
- 8) Report of Village Officers
- a) Village President – *Nothing to report.*
- b) Clerk/Treasurer
- i) Review/Approve financial reports – **Laux moved to approve the financial reports. Miller seconded. Motion carried.**
- ii) Operator’s Licenses – Consider/Approve the following:
- Jacob R. Kramer (N7922 State Park Road)
 - Alison Anne Miller (N8768 CTH N, Menasha)
 - Ashley Mae Nettekoven (1708 Main Avenue, Kaukauna)
 - Krystal Rose Hoover (606 Uncolm Avenue, Kaukauna)
 - Michael Peter Wettstein (420 South Maple Street, Kimberly)
- Barribeau moved to approve the applications for Jacob R. Kramer, Alison Anne Miller, Ashley Mae Nettekoven, and Krystal Rose Hoover. Laux seconded. Motion carried.** Trustees instructed Mader to send a letter to Michael Peter Wettstein requesting him to be present at the next Village Board meeting in regard to his application.
- 9) Village Engineer
- a) Force Main Project: Update – *Rosenbeck reported that the construction is complete to the waste water treatment plant, all the ties are made, and the system is scheduled to be turned on Wednesday, July 16.*

10) Village Administrator

a) Capital Projects: Update

- i) Yard Waste Site – **Miller made a motion to require Village residents to provide their drivers license as proof of residence to the yard waste personnel, residents will not be charged a fee for the use of the yard waste site, and commercial landscapers/users will be required to purchase a \$20 ticket at the Village office for each use of the yard waste site. Barribeau seconded. Motion carried.** Miller suggested the Village Board revisit discussion of the yard waste site operations at a late fall meeting.
- ii) Water Source – Friday reported that dialogue continues with the City of Appleton.
- iii) Public Works Garage – Friday reported the bid opening is scheduled for August 8

11) Old Business

- a) Comprehensive Plan: Consider/Approve Ordinance #08-101 adopting the *Village of Sherwood Year 2030 Comprehensive Plan (Smart Growth Plan)*- **Barribeau moved to approve Ordinance #08-101 adopting the Village of Sherwood Year 2030 Comprehensive Plan (Smart Growth Plan) with suggested changes. Miller seconded. Barribeau – aye; Kaas – aye; Miller – aye; Petrie – aye; Rath – aye; Thomson – aye; Laux – opposed. Motion carried.**

Approved suggested changes:

- Add mission statement (Friday) – *The Village of Sherwood strives to be a low density, primarily residential community focused on utilizing its outdoor recreation opportunities to the maximum benefit of its residents. The community promotes an active lifestyle using the assets of local walking trails and parks, High Cliff State Park, Lake Winnebago, and the two golf courses that lie within our municipal boundaries.*
- Include recommended changes (per memo) from Christine Symchych
- Strike reference(s) to mobile homes (pp. 2-15;8-10)
- Delete any reference(s) to a round-about in downtown area. Roundabouts are not in the current WisDOT 6-Year Plan (pp. 3-12)
- Strike reference(s) to 4-Lane Highway (pp. 3-13; 3-16), add Village of Sherwood plan to maintain highways at current size.
- Map 9-1a: Area immediately north of Mustang Drive is currently “white.” The area should be R-1 – Single Family (yellow).
- Map 5-3: Natural Features indicate two points (circles) as High Cliff North and High Cliff Escarpment. It is confusing to understand what exactly is meant by this. What is the significance? Change label to reflect whatever is meant by these points because, at this time, they seem to reflect what everyone knows...the escarpment is located there.

12) New Business

- a) Resolution 2008-07: Approve Resolution Accepting Petition for Direct Annexation: Peter Strandwitz property (N8144 State Park Road) – **Rath moved to approve Resolution 2008-07 accepting petition for direct annexation of the Peter Strandwitz property (N8144 State Park Road). Petrie seconded. Motion carried unanimously.**

13) Complaints and Compliments

- a) Yard Waste Site: Don't want to pay per bag (Bartman; N7790 Spurline Court) – *Resident will be notified that residents will not be required to pay per bag.*
- b) Force Main Project: Roadway restoration too little (Schellhamer; W284 Robinhood Ct. – *Reviewed.*

14) *Closed Session:*

Consider Village Receptionist position, re-classification, & compensation: Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – ***Miller motioned to move to close session per Wis. Stats. 19.85(1)(c) as stated at 8:09 p.m. Kaas seconded. Motion carried unanimously.***

Kaas motioned to return to open session at 8:45 p.m. Rath seconded. Motion carried unanimously.

- 15) Consider/Approve changes to 'Receptionist' position, re-classification & compensation – ***Miller moved to approve to reclassify Receptionist position to Office Coordinator and provide compensation. The compensation will be as follows: \$14.50 from 12 month anniversary to December 31, 2008 with back-pay difference to be paid by the Village, 3% increase on January 1, 2009 (\$14.94) and 3% increase at 24 month anniversary (\$15.39). Rath seconded. Motion carried.***

- 16) Adjournment – ***Barribeau moved to adjourn at 9:00 p.m. Petrie seconded. Motion carried.***

Respectfully submitted for review and approval by Kathy Mader, Finance/Utility Clerk

Village Board Meeting Minutes July 28, 2008

- 1) Call to Order and Roll Call – President Miller called the meeting together at 6:35 p.m. in the Village Hall Board Room with roll call:

Present

Bill Barribeau
Roger Kaas
Joyce Laux
David Miller
David Petrie

Absent

Jim Rath
Carl Thomson

Others Present

Jennifer Schaff, Engineer
Randy Friday, Administrator
Ellen Maxymek, Clerk

- 2) Pledge of Allegiance – Pledge recited.
- 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 June 23, 2008. Petrie second. Motion carried. Petrie moved to approve the minutes of July 14, 2008. Miller second. Motion carried.*
- 5) Registered Citizen Comments on Agenda Items
- Sharon Johnson and Kent Ellingson, YMCA, P.O. Box 215, Kimberly, WI, 54136 re agenda item 13) a).
- 6) Presentation: Results from *Annual Survey* – Administrator Friday reportedly received 142 household (15% of total households) responses to a first Annual Survey of issues of current interest to Village residents. Respondents on the issues of wildlife management (goose, turkey, deer population management through hunting via special permit and euthanization techniques) lined up 345 for / 205 against management. Only 81 respondents correctly completed the section of the survey ranking park and recreation improvements with the most important rankings given to walking trails, playground equipment at Wanick Park, public fishing pier at Miller Pond, outdoor basketball court and tennis court at Wannick Park.

Geese Control – USDA Wildlife specialist Brian Maedke reported regarding controlling the resident goose population. He commented that Sherwood is a perfect local for geese because of its ponds and open golf course areas and stated that there is a large number of birds in the vicinity of the sewerage treatment plant. He indicated that there is a program for grant funding costs of “goose roundups” which are only done by USDA personnel. Bird testing, catching, euthanization, and distribution can be accomplished in a single season starting in January or February, usually at a cost of less than \$4,000. He advised not to wait too long before undertaking this control measure since the resident population grows every year. Roundup management should be effective for two to three years but is not a permanent solution to overpopulation. The community should also take other steps to discourage the birds such as a no feeding ordinance. Maedke stated that shooting of wildlife in this kind of community is contraindicated as a control solution since the human population might be endangered or

discomfited. Special permitted shooting of the animals in the unpopulated area around the treatment plant may be acceptable however. ***Kaas moved to investigate possible grant funding for goose control roundup measures. Petrie second. Motion carried unanimously.***

7) Report of the PRUT Board – July 16, 2008

1) Action Items

- a. Urban Forestry Policy: Review Draft document and consider recommending adoption by Village Board – *Members recommend approval of current draft and revisions, with the contingency that member, Frank Kirshcling, has reviewed and is satisfied with revisions.*

Village Board Action: Village Board review and adoption of the policy will be undertaken after the policy draft is finished by the Park, Recreation and Urban Tree Board. No action.

- b. Miller Pond Tree Planting Project: Consider Frank Kirschling proposal – *PRUT Members recommend adoption of the timetable proposed.*

Village Board Action: ***Barribeau moved to go forward with the Kirschling tree planting plan and indicated a preference for mixed species planting. Miller second. Motion carried with Laux opposed.***

- c. Capital Budget: Consider Capital Projects for 5-Year Plan – *After reviewing the survey results, the PRUT members agreed monies for the walking trails and Wanick Park improvements are priority. Members recommend approval for the Village Administrator to pursue the purchase of parcel near Miller Pond for future parkway and walking trail.*

Village Board Action: Consideration of the Capital Budget items and Plan will be taken during 2009 budget deliberations. No action.

- d. New pavilion/facility: Presentation by Dave Van Elzen (Sherwood Lions Football Program) to construct a multi-purpose facility to serve American Legion Park & Village lands (football; horses; baseball) – *After reviewing and discussing the two-option drawings presented by Van Elzen, members recommended approval for the Village Administrator to further investigate the option of a land swap for future multi-purpose facility. Tabled*

Village Board Action: Consideration of construction of a new multi-purpose facility at Legion Park will be heard only after additional diligent review by the PRUT Board. Other options will be considered at a later time as well. No action.

2) INFORMATIONAL ITEMS

- a) *Budget Requests for FY2009 – Capital Projects (5-Year Capital Plan)*

8) Report of the Utility Commission – July 21, 2008

1) Action Items

- a. **Booster Pump:** Consider awarding final design, bidding, and construction services contract (McMahon) – *Commissioners recommend approval of the McMahon Associates, Inc proposal, not to exceed \$24,000, for the design, bidding, and construction of the Booster Pump Station.*

Village Board Action – ***Barribeau moved to approve the proposal from McMahon Associates, not to exceed \$24,000, for the design, bidding, and construction of the Booster Pump Station. Miller second. Motion carried unanimously.***

- b. **Request to provide water to Football Program – Sherwood Lions (Dave Van Elzen) –** *Commissioners moved to recommend approval of same terms as were agreed upon in 2007: (Sherwood Water and Sewer Utility) 2/3 reimbursement to Town of Harrison for water use on the playfield, requesting the Village Board to share in 1/3 of the reimbursement of funds, not to exceed 75,000 gallons use per week.*

Village Board Action – See agenda item 13) c).

2) Informational Items

- a. **Consideration of Crane Engineering Invoice –** MCO requested Crane to return to the Village just days after completing approved PRV maintenance, due to reports of high pressure areas in the Village. MCO and Crane reps will meet to discuss the contested invoice amount.
- b. **Force Main: Project update –** Engineer reported the force main was turned on Wednesday, July 16, and is operational.
- c. **Water Tower: Project update –** the approved tower will be blue.
- d. **Force Main Surge Analysis: Consider proposal to place surge valve on water main (Golden Anderson) –** Rosenbeck had initially planned to discuss this with the assumption that the existing Village sewer mains are ductile iron, however, tests indicate they are asbestos cement. Rosenbeck will research how the surge valve would associate with the actual pipes. He will report at the August meeting.
- e. **Sanitary Sewer Overflow/Bypass Notification Summary Report (6/13/2008) –** During discussion with MCO, the DNR representative did not indicate the Village would receive a violation for the bypass.
- f. **Generator Maintenance Contract: Consider awarding annual maintenance contract with pre-pay option (Cummins NPower) -** Is a budgeted item. No motion required.
- g. **Request to place irrigation system on residential property metered by a second water meter (Tim Babcock; W588 Robinhood Way) –** Commissioners moved to strike from the agenda. The item had been tabled at the June meeting. Resident was not present for this meeting.

- h. *Propane Purchase: Consider pre-buy of propane for 2008-09 (Garrow Oil & Propane Corps) – Commissioners moved to approve prepay of 3,300 gallons at \$2.349.*
- 9) Report of Village Officers
- a) Village President – No report.
- b) Clerk/Treasurer
- i) Review/Approve financial reports – ***Kaas moved to approve payment of all vouched invoices as presented including a Christenson Heating invoice for \$167 that was received late from. Laux second. Motion carried unanimously.***
- ii) Operator’s Licenses – ***Miller moved to issue operators licenses to the listed applicants. Petrie second. Motion carried unanimously.***
- Michael Peter Wettstein (held from July 14)
 - Pam M Fredericks
 - Mary Kay Lerche
- iii) Review status of Knight Drive Extension – Maxymek stated that the record shows that the owner/developers of the Outpost Bar and Grill dedicated a future road right-of-way on the recorded plat. This gives the Village the opportunity, but not the obligation to construct a road in the dedicated right-of-way. The timing of this potential road construction, if built, was to be entirely at the discretion of the Village Board. The abutting property owners were notified, and acknowledged, at the time plat approval was under consideration that, if constructed, this Knight Drive extension road improvement would be levied as a special assessment on their property. Maxymek provided documentation of a preliminary schedule of assessments based on probable costs in 2007 that Engineer Schaff put together at the request of the Board.
- 10) Village Engineer
- a) Force Main Project
- i. Consider/Approve Payment # 3 (\$107,332.38) – ***Barribeau moved to approve Certified Payment #3 to Dorner Inc. for \$107,332.38 for partial work performed through July 3, 2008. Kaas second. Motion carried unanimously.***
- ii. Consider/Approve Change Order #2 (\$38,024.25) – ***Barribeau moved to approve 2008 Force Main Contract Change Order #2 for \$38,024.25, increasing the contract price to \$848,374.35. Kaas second. Motion carried unanimously.***
- b) Public Works Garage – Engineer Schaff reported that bids for the new public works garage project will be opened on August 7 and a recommendation will be made to award a contract at the Village Board meeting on August 11.
- 11) Village Administrator
- a) Capital Projects: Update
- i. Water Source – The next scheduled meeting to negotiate purchase of water is set for August 6, 2008. Friday will attend as will Utility Commission Chair Dick Stewart.

12) Old Business: Friday reported that the Yard Waste Site operation is up and running well.

13) New Business

- a) YMCA: Discuss Spring/Summer programming usage, and future possibilities – Sharon Johnson and Kent Ellington reported on the first seasons of Y youth sports programming, discussing in brief the participation of 228 athletes in soccer and 187 in baseball leagues. A break down of participation by area showed soccer enrollment by Sherwood youngsters at 50% and baseball at 47%. Income and expenses of the programs were reported showing a net deficit of \$2,956. Johnson requested use of Wanick Park facilities for a fall flag football program for youths aged 4 years to 4th grade. After discussion, ***Miller moved to allow continued use of the Village facilities by the YMCA at no charge, if Sherwood taxpayers are charged participant fees at the same rate as Y members. Barribeau seconded the motion, which carried unanimously.***
- b) Nicklaus Court storm water drainage: Discuss possible solution to repeat flooding – Friday reported recent flooding at the intersection of Lake Breeze Drive and Nicklaus Court. He presented a photo of the event and a depiction of the storm water drainage pattern for the area. He stated that water rose in the streets from 1 to 1 ½ feet in a 45 minute to 1 hour period before receding. Engineer Schaff distributed copies of media reports that indicated the flash flooding was widespread but receded quickly.
- c) Consider/Approve *Memorandum of Understanding* regarding water usage by Sherwood Lions Football Program – ***Barribeau moved to approve the Memorandum of Understanding regarding water usage by Sherwood Lions Football Program. Kaas second. Motion carried unanimously.***
- d) Annexation: Consider/Approve Ordinance #08-102 – *Annexation by Unanimous Petition*, annexing 36 acres (Strandwitz property; Pigeon Road; Tax ID #6459) – ***Miller moved to adopt Ordinance #08-102 Annexing 36 acres of property located on Pigeon Road by unanimous petition of Property Owner/Elector Strandwitz. Petrie second. Motion carried unanimously.***

14) Complaints and Compliments: A resident of North Niagara Court reported a complaint of illegal fireworks (M-80s). A neighbor has intermittently exploded the fireworks all summer. When requested by neighboring residents to stop he did so for a short time but then resumed the fireworks at 12:45 a.m.

15) Correspondences:

- a) 2008 County All-Hazard Mitigation Plan Review – Calumet County Emergency Management Director Matthew Marmor seeks comments and changes to the All-Hazards Mitigation Plan in light of recent flooding issues “and as part of our stated local plan review”. Administrator Friday was instructed to respond to the request for comments with respect to the short lived flooding in the vicinity of Nicklaus Court.
- b) Request for lighting and underground utilities along Pigeon Road (Siebers; N7705 Pigeon Road) – Kaas stated it is difficult to imagine the Village approving large expenditures to install underground utilities and street lighting in the Pigeon Road area. Petrie noted that

later developments have been required to constructed underground utilities and install streetlights according to specifications of the Subdivision Ordinance. Miller noted that residents of older subdivisions have often noted objections to the perceived intrusion of overhead street lighting. Friday was instructed to convey the unenthusiastic response of the Village Board to Mr. Siebers' request.

- 16) *Closed Session:* Consider private property purchase – Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when 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 moved to proceed into closed session at 8:40 p.m. per Wis. Stats. 19.85(1)(e) as stated. Barribeau second. Motion carried unanimously.

Kaas moved to return to open session at 10:02 p.m. Barribeau second. Motion carried unanimously.

- 17) Consider purchase of property and/or properties associated with presentation from Appraiser – ***Miller moved to authorize Administrator Friday to make an offer of purchase on the commercial property located at W404 Veterans Avenue. Kaas second. Motion carried unanimously.***

- 18) Adjournment – ***Barribeau moved to adjourn at 10:05 p.m. Miller second. Motion carried.***

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

Village Board Meeting Minutes

August 11, 2008

Sherwood Village Hall

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:30 p.m. with roll call:
- | | |
|----------------|-----------------------------------|
| Present | Absent |
| Bill Barribeau | David Miller, excused |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Village Engineer |
| David Petrie | Randy Friday, Administrator |
| Jim Rath | Ellen Maxymek, Clerk/Treasurer |
| Carl Thomson | |

- 2) Pledge of Allegiance – Recited.

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

Kaas moved to amend the order of the agenda concerning item 8) b). Thomson second. Motion carried unanimously. Tom Olson, Miller, Wagner, Coenen, McMahon, presented a bid tabulation and recommendation of contract award to construct the public works garage facility. A revised timetable scheduled substantial completion for December 30, 2008 with a final layer of asphalt paving applied to the south parking area in the Spring of 2009. *Barribeau moved to award a contract to responsible low bidder Ko-Bra Buildings, LLC, for \$611, 714 to construct the new public works garage, and \$17,700 to re-pave the south parking lot with asphalt for a total award of \$629,414. Petrie second. Motion carried unanimously.*

- 4) Approval of Minutes – *Barribeau moved to approve the minutes of the July 28, 2008 meeting. Kaas second. Motion carried.*

- 5) Registered Citizen Comments on Agenda Items

- Joe Nemecek, Nemecek Developers, re agenda item 6) c).
- David Van Elzen, Sherwood Lions Football, requested permission to park a storage pod or small, enclosed trailer in the Legion Park Pavilion during the football season. Since this matter was not an agenda item, the Board instructed Administrator Friday to review pertinent ordinance/s, bringing information back. In the meantime, Friday will craft a Memorandum of Understanding for a temporary permit to store a trailer, covering the next two weeks, and acknowledging release from liability.
- Jeff Weyenberg, W4878 Forest Lane, re agenda item 11) a). Weyenberg stated he does not think purchasing the former bank building is a good use of taxpayers' money. Petrie said the Board wants to improve the downtown. Laux commented a comprehensive planning survey revealed taxpayers are interested in an attractive and thriving downtown and commercial corridor. Weyenberg continued that, while it is nice to have nearby shopping, most people work outside the Village and have ample shopping options along their commuting routes.

6) Report of the Plan Commission – Aug. 4, 2008

1) Items for Action by the Village Board

- a) Site Plan Review – 4 Kids Daycare – *Plan Commission recommended approval of the 4 Kids Daycare site plan noting the following conditions:*
- i) *30 Parking Stalls are provided.*
 - ii) *6” high green privacy fence, made of chain link material with slats inserted, will screen dumpsters and yard area. Upgraded white PVC fence materials are preferred if affordable.*
 - iii) *Drainage plan has been reviewed and approved by Village Engineer.*
 - iv) *Maintenance of access road will be shared by the two abutting property owners until such time as it is upgraded to Village road specifications and accepted by the Village. An easement and dedicated right-of-way was provided on the approved plat for a road extension and/or utility infrastructure, should the Village decide to exercise the dedication.*

Village Board: *Kaas moved to approve the 4 Kids Daycare site plan review. Thomson second. Motion carried unanimously.*

- b) Extraterritorial Review: Consider Certified Survey Map from Charles Gehl for creation of 1.4 acre residential lot immediately east of the STH 55 & CTH S intersection south of Sherwood – *Plan Commission recommended approval without objection of an extraterritorial Certified Survey Map from Charles Gehl for creation of a 1.4 acre residential lot immediately east of the STH 55 & CTH S intersection, in Town of Harrison south of Sherwood.*

Village Board: *Barribeau move to approve the Certified Survey Map from Charles Gehl for creation of 1.4-acre residential lot immediately east of the STH 55 & CTH S intersection south of Sherwood without objection. Petrie second. Motion carried unanimously.*

- c) RP2008.2: Request by Joe Nemecek (agent) for Hank Fieder (owner) regarding rezoning of proposed ‘Camelot Estates’ subdivision (currently no zoning) to R-1 Single-Family Residential. Parcels lie north of railroad tracks and west of Kesler Road, extending westerly to HWY 55/114 – *Plan Commission recommended approval of a rezoning petition from an un-zoned agricultural use to R-1 single family residential requested by Henry Feider/JSK Development Corp. These parcels (approximately 193 acres) lie north of the railroad tracks and west of Kesler Road.*

Village Board: Friday commented a sewer service area amendment is on file and under consideration at East Central Wisconsin Regional Planning Commission. Action may be taken by that body this year. However the Board may simply wait until other recently annexed parcels are also added to the sewer service area amendment petition. A condition before moving forward with rezoning was met with the completion of the Comprehensive Plan, Friday continued. Rath stated a need to revisit the road paving policy before moving ahead with development. The rezoning request will be considered following a public hearing on August 25.

- d) Consider Resolution #2008-08: Petition for Direct Annexation by Unanimous Approval (Mielkmann, LLC; Tax ID #6500) for 15 acres of agricultural land abutting State Park and Mielke Roads – *Plan Commission recommended approval of Resolution #2008-08: Accepting Petition for Direct Annexation by Unanimous Approval; filed by owner Mielkmann, LLC; Tax ID #6500; 15 acres of agricultural land abutting State Park Road and Mielke Road.*

Village Board: *Petrie moved to approve Resolution #2008-08: Accepting Petition for Direct Annexation by Unanimous Approval; filed by owner Mielkmann, LLC; Tax ID #6500; 15 acres of agricultural land abutting State Park Road and Mielke Road.*

7) Report of Village Officers

a) Village President – No report.

b) Clerk/Treasurer

- i. Review/Approve financial reports (current & annual) – Maxymek presented the disbursements in progress report. Governmental fund balance sheets were also reviewed. The Board decided staff does not need to bring in Virchow Krause auditors for an explanation of the 2007 year-end financial statements, although they will likely want the accountants' presentation after 2008 year-end.

Barribeau moved to approve vouchers for payment as presented. Kaas second. Motion carried unanimously.

- ii. Operator's Licenses – ***Barribeau moved to approve the listed applicants. Petrie second. Motion carried unanimously.***

- Charles E. Broeren
- Mario Daniel Russo
- Megan Rose Kiefer
- Lauren Elyse Grube

- iii. High Cliff Cemetery: Consider/Approve 'Sale of plot' (Michael & Patricia Sevela) – ***Barribeau moved to approve sale of a cemetery plot to Mr. & Mrs. Sevela. Thomson second. Motion carried unanimously.***

- iv. High Cliff Cemetery: Consider/Approve 'Agreement for Perpetual Care' (ibid) – ***Barribeau moved to approve an agreement for perpetual care of a cemetery plot purchased by Michael and Patricia Sevela. Thomson second. Motion carried unanimously.***

8) Village Engineer

a) Force Main Project: Engineer Schaff reported that the force main project contractor will return in the next week to work on punch list items remaining. These issues will be satisfactorily completed before the contract is finalized.

b) Public Works Garage: See agenda item 3).

9) Village Administrator

- a) Capital Projects: Update Water Source project – Administrator Friday reported solid progress in negotiations to purchase water from outside source. This matter will be taken up in closed session.

10) Old Business: None

11) New Business

- a) Purchase of ‘Bank Building’ property (W404 Veteran’s Avenue): Authorize Village Administrator to sign *Title Transfer* documents on behalf of the Village to purchase property using Undesignated Fund Balance in the amount of \$67,000 – Friday stated that the downtown area does not function well, suggesting that the Board could take a proactive stance to control development of the Village center. It is wise, he went on, to make this investment while the real estate market is down. ***Petrie moved to authorize the Village Administrator to sign title transfer documents on behalf of the Village to purchase property located at W404 Veterans Avenue, using undesignated fund balance in the amount of \$67,000 and associated closing costs. Rath seconded. Motion carried unanimously.***

12) Complaints and Compliments: None

13) Correspondences: None

- 14) *Closed Session: Consider future expenditure of public funds regarding new water source. Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when 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 moved to proceed into closed session at 7:55 p.m. per Wis. Stats. 19.85(1)(e) as stated. Thomson second. Motion carried unanimously.

Thomson moved to return to open session at 8:27 p.m. Kaas second. Motion carried unanimously.

- 15) Adjournment – ***Kaas moved to adjourn at 8:27 p.m. Rath second. Motion carried.***

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

Village Board Meeting Minutes August 25, 2008

- 1) Call to Order and Roll Call – Vice President Laux called the meeting to order at 6:33 p.m. Roll called:
- | | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | David Miller, Excused |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Petrie | Tom Olson, Engineer |
| Jim Rath | Randy Friday, Administrator |
| Carl Thomson | Ellen Maxymek, Clerk/Treasurer |

2) Pledge of Allegiance – Pledge recited.

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

4) Approval of Minutes – *Barribeau moved to approve the minutes of August 11, 2008. Kaas second. Motion carried.*

5) Registered Citizen Comments on Agenda Items

- Joe Nemecek, Nemecek Development, re agenda item 6)
- Joseph Loderbauer, W4666 Manitowoc Road, Menasha, re agenda item 6)
- Nell Stark, N530 Robinhood Drive, re agenda item 13)c)

6) (6:35 p.m.) Public Hearing: RP2008.2 – Rezoning Petition for *Camelot Estates* (Feider; Nemecek) to rezone approximately 192 acres of farmland to R-1 Single Family. Parcels lie between Highways 55/114 and Kesler Road, north of the railroad tracks

Joseph Loderbauer questioned why the developers were subdividing at the outer areas of the Village. Nemecek answered, saying that owners do not want to sell property closer to already developed plats. He stated the lots would range from 18,000 to 23,000 sq. ft. in size. All lots will connect to Village water and sewer services. First phase construction will begin in 2009 to 2010. Loderbauer stated that he is opposed to the development.

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

Petrie moved to approve petition RP2008.2 brought by JSK Development/Henry Feider to rezone approximately 192 acres of farmland lying between Highways 55/114 and Kesler Road north of the railroad tracks to R-1 Single Family. Kaas second. Motion carried unanimously.

7) Presentation: Public Works Building – Consider building color scheme (McMahon) – Tom Olson distributed color samples for the walls and roof of the new Public Works garage. The galvanized roof can remain unpainted or finished in a colored paint. If the galvanized metal is selected a \$3,000 credit to the contract is available. The Board requested that Olson return with a selection of color combinations to choose from.

As to the existing Community Center/PW Garage facility, Olson estimated a cost of \$16,000 to paint the roof or a total of \$28,000 to paint the entire building. Engineering and contingencies would be additional cost. Olson suggested that the Board consider the brown stone wainscot when considering complementary color combinations.

8) Report of the Utility Commission – Aug. 18, 2008

a) Water Tank, Main, & Booster Pump: Project update – *Friday reported a preconstruction meeting held at the Village offices on August 14 regarding the water main and booster pump projects. Bell Electric completed an electrical upgrade in preparation for installing the booster pump. Asbestos will be removed from the pump room on August 20. Tentatively, Clifton Road will be closed the second or third week in September, to open-cut the road for the water main project. The Administrator will notify the Calumet County Sheriff's Department, Post Office, Sherwood Lions Football, J & E Construction, Harrison #1 Fire Department, Kaukauna School Bus line, and Clifton Road residents regarding the closure.*

Village Board: Friday reported Clifton Road will close on September 15, pending adverse weather conditions, and will remain closed for 4-5 days while the water main is constructed. Contractors will use signs and door hangers to inform citizens of the closing.

b) Force Main: Project Update – *Friday noted the project will be closed-out when the twenty-two item punch list is complete.*

c) Ductile Iron Pipe: Report on water pipe break (June) – *Referencing the August 1 report from Ductile Iron Pipe Research Association, Friday summarized the initial results from an investigation of sample pipe sections and soil samples:*

- *Mains were installed with no supplemental corrosion protection. Pipe samples were taken from failed pipes during two recent water main breaks: a six-inch sample from ductile iron pipeline installed approximately thirty-two years ago and an eight-inch sample of cast iron pipe installed approximately fifty years ago.*
- *Four soil samples were taken from the Stommel Road and Golf Course Road water main break (July 1, 2008). The soils, primarily red-brown clay, were tested to determine whether soil corrosion would occur on the ductile or cast iron pipe. Results of the soil samples revealed all are potentially corrosive due to low resistivity, which could be the prime contributor to water main breaks.*
- *Several remedies for the future of the mains are listed in the report with polyethylene encasement recommended.*

d) Water Filter test processing: Quote from CH Diagnostic Filter Testing – *Commissioners directed Genskow to attempt to find a test site, which will test the filters in a timely manner, not to exceed \$1,000.*

e) Sewer line smoke testing: Consider/Approve smoke testing old sewer lines – *Commissioners approved \$6,000 agreement with MCO to perform the smoke testing. A letter will be sent to all residents in the test area. The test area will include residential*

areas from Timberline Drive (East) to Golf Course Road (West) to Bridle Road (North) and to Escarpment Terrace (South). Commissioners recommended a copy of the resident letter be included in the next newsletter (September) and be posted on the Village website.

Village Board: According to Administrator Friday, the contractor will give advance warning of the smoke test to potentially affected citizens. ***Kaas moved to approve a proposal from MCO to perform smoke testing for \$6,000. Rath second. Motion carried unanimously.***

9) Report of Village Officers

a) Village President – No report.

b) Clerk/Treasurer

i. Review/Approve financial reports

ii. Operator's License(s)

- Kay Marie Bartlein

iii. Consider/Approve application for *Temporary Class "B" Retailer's License* (High Cliff Ridge Riders @ Rodeo Grounds – Sept. 7, 2008)

Barribeau moved to approve agenda items 9)b)i-iii including authorization to pay vouchers as presented. Rath second. Motion carried unanimously.

10) Village Engineer

a) Golf Course Road Improvements & Forest Lane Reconstruction (2007): Re-work issues – Engineer Schaff reported meeting with representatives of the project contractor, Jossart Brothers, and the asphalt sub-contractor, MCC. They reached an agreement to resolve the widespread cracked and settled pavement on Bridle Road, Blackcherry Court and Forest Lane. Sections of pavement, some single lane and some double lane widths, will be removed, replaced and heat-sealed. Spurline Court will be chip-sealed. Kaas asked the engineer to try to get Palisades Circle skim-coated to correct pavement settling.

11) Village Administrator

a) Water Source: Update – Friday reported nothing new in contract negotiations at this time.

12) Old Business: None

13) New Business

a) Village Ordinance #08-103: Consider/Approve Petition for Direct Annexation by Unanimous Approval (Mielkmann, LLC; Tax ID #6500) for 15 acres agricultural land abutting State Park and Mielke Roads – ***Kaas moved to adopt Village Ordinance #08-103 approving direct annexation of 15 acres of agricultural land abutting State Park and Mielke Roads. Rath seconded. Motion carried unanimously.***

b) Resolution 2008-09: Consider/Approve establishment of 'ward' for newly annexed lands – Maxymek reported two recently annexed territories, the Strandwitz property and the

Mielkmann, LLC property, are contiguous to Ward 3, share the same election districts and, therefore, can be attached to Ward 3 for election purposes. ***Rath moved to approve Resolution 2008-09 attaching the two described annexed territories to Ward 3 for election purposes. Petrie second. Motion carried unanimously.***

- c) Request to extend culvert and widen drive: N530 Robinhood Drive (Nell Stark) – Stark presented a request to extend her culvert and widen her driveway. Engineer Schaff noted no impediment to Stark’s project. ***Barribeau moved to approve a request from Nell Stark to extend the culvert and widen the driveway. Kaas second. Motion carried unanimously.***
 - d) Consider placement of a storage unit for Sherwood Lions Football program under the pavilion at American Legion Park – ***Barribeau moved to approve a request by Sherwood Lions Football Program to place a POD storage unit under the pavilion at American Legion Park, provided the structure is removed within one week of the football program’s season end. Thomson second. Motion carried unanimously.*** It was noted, on a suggestion by Kaas that the approval is for the 2008 season only. In subsequent years such requests must be presented again. Friday will prepare a Memorandum of Understanding stating terms of the agreement.
 - e) Consider/Approve ‘*Preliminary Estimate of January 1, 2008 Population*’ (DOA) – A Department of Administration notification estimated Sherwood’s population was 2,499 on January 1, 2008. This was an increase of 33 over the 2007 estimate of 2,466. ***Barribeau moved to accept the DOA estimate of population without objection. Petrie second. Motion carried unanimously.***
 - f) Capital Improvements Project List: FY2009 thru FY2013: Introduction & discussion – The Board reviewed a draft of the Administrator’s five-year capital improvement plan summary and narratives. Friday repeatedly noted the wide range of potential projects was born of his observations and ponderings and was suggestive only. The project categories included buildings, parks and recreation, public works, real estate acquisitions, streets, storm water management, water & sewer utilities. Potential funding sources were included. The Administrator asked the Board to review the draft and return with comments, cuts, additions, and changes.
- 14) Complaints and Compliments: Don’t like *Yard Waste Site* hours (Ken’s Plumbing) – Friday reviewed Ken Preuss’ complaint that the yard waste site hours of operation does not fit his work schedule and suggested evening hours.
- 15) Correspondences: Educational workshops (UW Extension – Calumet County)
- A Local Government Center schedule of 2008 Fall Budget and Finance Workshops was presented.
 - The Calumet County Board August Newsletter was included for review.
 - E-mail correspondence from Doug and Ruth Marquardt, W4958 Golf Course Road, sent positive feedback on the quality workmanship and congenial attitude of the Village’s Public Work crew for their efficient and safe performance while working on roadside upgrades.

Marquardt also commented on the quick response and quality service provided by Village Administrator Friday.

- A one-month website activity report was included for review. The report noted 683 unique IP accesses and 2,846 page views.

16) Adjournment – *Thomson moved to adjourn at 9:54 p.m. Laux second. Motion carried.*

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

Village Board Meeting Minutes September 22, 2008

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

| | |
|----------------|--------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| Jim Rath | |
| Carl Thomson | |

- 2) Pledge of Allegiance – Pledge recited.

- 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 8, 2008. Laux second. Motion carried.*

- 5) Registered Citizen Comments on Agenda Items
 - R.C. Moore, W5142 Shorewood Court, re. agenda item 10)
 - Mark Siebers, N7705 Pigeon Road, re. agenda item 11)a)
 - Dennis Schanke, W4830 Blackcherry Court, re. agenda 11)b)
 - Jerome Welhouse, W4833 Blackcherry Court, re. agenda item 11)b)

- 6) Report of the Utility Commission – September 15, 2008
 - 1) INFORMATION ITEMS
 - a) *Presentation: Paul Hansen – DIPRA (Ductile Iron Pipe Research Association) – Hansen gave an informational presentation about his company and also discussed their Soil Sample Test Results report (August 1, 2008) from samples taken on July 10, 2008 at recent Village water main breaks. Village engineer, Jennifer Schaff, and Mr. Hansen took additional soil samples from frequent water break locations throughout the Village on Tuesday, September 16.*

 - b) *Water Tower, Main, & Booster Pump: Project update – Village engineer, Gary Rosenbeck, summarized the update list and stated the New Ground Storage Reservoir foundation is scheduled to start late October 2008 and erection is scheduled to start early December 2008, the Water Main work is tentatively scheduled to start the week of September 29, 2008, and Booster Pump construction is scheduled to start December 2008.*

 - c) *Water Filter Test processing: Resolution of filter testing agent – Filter samples were taken on 7/11/08 and 8/13/08 and sent to CH Diagnostics, Colorado, for testing. Test*

results indicate no live organisms were observed. Commissioners directed utility operator to send the four filter samples that are ready for testing to CH Diagnostics.

- d) *Request to hook into Village sanitary sewer & water system on Lower Cliff Road (Lot 168; Owner: Bertello; Agent: Diedrich)* – Village engineer, Rosenbeck, at the request of Diedrich, sketched a drawing to illustrate a way to provide a sewer lateral to Lot 167 (N7638 Lower Cliff Road, Bertello property) in that Lot 175 (N7747 State Park Road) is connected to the Lower Cliff Road sewer. Rosenbeck explained, when developed, Lot 167 was part of Lot 175, as one lot but the lot is now split, though, according to the Village Clerk, no CSM has been recorded at the Calumet County Court House. Utility Operator, Bruce Genskow, stated there are one curb and one sewer lateral for Lots 167 and 175 which the N7747 State Park Road residence is connected. Rosenbeck said State Code allows two residences to share a common sewer lateral, referred to as a private interceptor lateral, however, only one residence may be connected to a curb box. Village Administrator emphasized the connection to the sanitary sewer and the water system by property owner(s) of Lot 167 (N7638 Lower Cliff Road) will be done at no cost to the Village of Sherwood or the Sherwood Water and Sewer Utility.

Commissioners approved endorsement of a code compliant private interceptor lateral between Windswept Shores Lots 167 and 175, contingent upon a long term agreement between the two property owners which shall be recorded on the respective deeds at the Calumet County Court House, and, per engineer suggested requirements, increase size from 4-inch to 6-inch with clean-outs at connection points and drop to the bottom of the manhole, at no cost to the Village of Sherwood or the Sherwood Water and Sewer Utility.

- e) *Water Rate Study: Consider/Approve contract for services (Virchow Krause)* – Commissioners approved the contract for services with Virchow Krause as presented.
- f) *Sewer Rate Study: Consider/Approve contract services (Virchow Krause)* – Commissioners approved the contract for services with Virchow Krause as presented.
- g) *Waste Hauling: Discuss contract for services* – Discussed. Not action taken.
- h) *Annual Budget: Review timeline for FY2009 Utility Budget(s)* – Reviewed.

Village Board: Administrator Friday reviewed highlights from the Utility Commission report. No action required.

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

- i) Review/Approve financial report – After reviewing the financial reports *Miller moved to approve payment of vouched invoices as presented. Petrie second. Motion carried unanimously.*

Maxymek asked the Board to allow the expeditious refund of facility use deposits when appropriate without pre-approval. The Board approved the request by consensus.

- ii) Operator’s License(s): Jessica Lynn Buelow – *Barribeau moved to approve issuing an operator’s license to applicant Buelow. Petrie second. Motion carried unanimously.*
- iii) Garbage & Recycling: Consider change in charges for garbage & refuse. Treasurer Maxymek presented an analysis of a 12% increase in fees charged for garbage and refuse service. The increase, if approved, would offset raised costs for fuel surcharge charged by waste removal contractor, Veolia. *Rath moved to approve a 12% increase in garbage and refuse fees, raising the collection and removal charge for a 35-gallon container from \$83.00 to \$93.00; a 60-gallon container from \$93.00 to \$104.00; and a 90-gallon container from \$103.00 to \$115.00. Seconded by Miller. Motion carried unanimously.*
- iv) Budget Amendment #1: Consider Amendment to FY2008 Budget – The Treasurer presented an amendment to the current year budget necessitated by approved projects and purchases but offset by unexpected increases in revenues. *Barribeau moved to approve 2008 Budget Amendment #1. Laux second. Motion carried unanimously.*
- 8) Village Engineer
- a) FY2007 Asphalt Paving: Approve Payment # 3 (Final) to Badger Highways Co. (\$800) – *Barribeau moved to approve Certificate for Payment #3, a final payment on the 2007 asphalt-paving contract, to Badger Highways Co. in the amount of \$800. Petrie second. Motion carried unanimously.*
- b) Pending projects: Update Water Main; Booster Pump; Water Tank – Engineer Schaff updated a project report regarding the new ground storage reservoir, connecting water main, and upper pressure zone booster pump. Highlights of the update were reviewed as follows:
- Ground Storage Reservoir: Foundation and slab construction scheduled to start in late October. Reservoir erection scheduled to start late November or early December.
 - Water Main: Contractor Roger Bowers Construction anticipates starting the week of September 29.
 - Upper Pressure Zone Pump Addition: Plans and specifications will be submitted to the DNR in early October. Project will be bid late October. Contract will be awarded November 2008 and construction to start in December 2008.

- c) FY2009 Roadway paving: Update possible ‘chip seal’ projects, versus paving – Engineer Schaff presented a Preliminary Opinion of Probable Costs Based Upon Estimated Quantities to chip seal street surfaces in the Sherwood Forest Subdivision. She estimated the chip seal treatment cost at \$13,600. Adding contingencies and engineering services the estimate reached \$18,100. Schaff confirmed that the treatment should add five years to the life of the streets’ surfaces. The Board instructed Friday to budget for chip sealing the Sherwood Forest Subdivision streets in 2009.

9) Village Administrator – No Business.

- 10) Old Business: Stormwater – Consider proposed solutions (Rich Moore; Shorewood Court) – Moore proposed the Village provide a letter to him, neighboring property owners, and landscape contractor(s) granting permission to work in drainage easement during the 2008-09 construction season to correct non-draining water “caused by a poorly constructed drainage ditch and unauthorized drainage pipe installed from the east”. He asked that this letter stipulate the type of system the Village wants installed; where construction starts and stops; who must participate in the system construction costs. In addition he asks for a release of liability as a result of damage caused by construction; a release from future modification to the system by current or future property owners if necessitated by Village changes to other drainage systems; and a grant of equipment access to the drainage ditch through the Windsong Court drainage ditch.

Friday clarified the issue, reminding the Board that they directed Moore to get together with affected property owners between Windsong Court and Pigeon Road. It seems, however, there is no consensus on a solution that will please all. If the Village steps in with further support, he said, the Board will be precedent-setting with respect to future obligations in other properties’ back yard drainage issues. These issues will always arise, Friday reported, but this does not mean it is the Village’s responsibility to make everyone’s back yard perfect, particularly given the flat land and clay base which are predominant features in Sherwood. Drainage easements are in place for this reason – to transmit and hold storm water. The easement is the mechanism that allows the transmission of storm water. In Friday’s opinion, the drainage ditches are private property issues. In the case of Brian Breckheimer, who has illegally placed an underground *french drain* on his property, the Board must take action to either allow this system to stay in place, or to issue a citation for illegal placement of his system. Breckheimer’s statement that the previous Village Coordinator gave him permission to place the drain does not meet the criteria of Ordinance #55. A permit issued at the direction of the Board and with the Village Engineer’s recommendation, and follow-up inspection is necessary. Rath stated it appears there is an ordinance violation and suggested the Administrator send a letter stating the problem needs immediate resolution. The Board agreed.

11) New Business

- a) Request to replace driveway (Siebers; N7705 Pigeon Road) – Mark Siebers requested the Village reimburse costs to replace his driveway, saying that it was not installed properly during the 2002-03 Pigeon Road west side road reconstruction and trail improvement. He said he complained to Coordinator Van Lieshout year after year

regarding the poor condition of the driveway surface, which, in the opinion of his contractors, is failing due to a poor base. Siebers continued, saying the Pigeon Road trail construction was poor quality as well. Administrator Friday will photograph the driveway condition and Schaff will attempt to find project as-built cut sheets. They will return these findings to the Board for consideration of Siebers' request.

- b) Stormwater: Unauthorized placement of soil within Village-approved storm water drainage system (Blackcherry Court – Schanke [W4830]; Welhouse [W4833]) – Dennis Schanke and Jerome Welhouse each stated they were unaware changing an approved storm water drainage system is in violation of Ordinance No. 55 which regulates the installation, improvement, and maintenance of driveways, sidewalks, culverts and drainage ditches. Friday pointed out section H. 3. of the ordinance, which states ditch enclosure is permitted only upon written request by the abutting property owner(s) and approval of the Village Board. He continued, saying that recommendation on the project must be given by the Village Engineer prior to commencement and must be inspected during installation and when finished. Manholes or cleanouts may be required for culvert lengths exceeding 50-feet. All costs shall be borne by the property owner. Petrie questioned the property owners, asking if they will be liable for future damage to property due to unauthorized changes made by them. The Board instructed both property owners to apply for the appropriate permit, file a ditch-enclosure site plan, and pay required fees and engineering/inspection costs. The engineer will inspect the enclosures and make recommendations for changes as necessary.
- c) Consider/Appoint representative to Calumet County Civic Association – ***Miller moved to table the item. Thomson second. Motion carried unanimously.***

12) Complaints and Compliments: None

13) Correspondences: None

14) *Closed Session:* Discuss compensation for Village Clerk/Treasurer & Administrator relative to FY2009 Budget: Per Wis. Stats. 19.85(1)(c) the Board may move to closed session when considering employment, promotion, compensation or performance evaluation data of any public employee over which it has jurisdiction or exercises responsibility.

Kaas moved to proceed into closed session at 9:03 p.m. per Wisc. Stats. 19.85(1)(c) as stated. Rath second. Motion carried unanimously.

Thomson moved to return to open session at 10:30 p.m. Rath second. Motion carried unanimously.

Kaas moved to increase the annual compensation of the Clerk/Treasurer to a base of \$48,000 in 2009 and \$53,000 in 2010. He further moved to include an additional

payment of \$2,000 in each year, payable on a pro-rata basis at the end of each period of employment. Thomson second. Motion carried unanimously.

Kaas moved to extend the Administrator's employment contract through FY 2011 with annual compensation in 2009, 2010, 2011 of \$75,000, \$80,000, and \$85,000 respectively. Rath second. Motion carried unanimously.

- 15) Adjournment – *Barribeau moved to adjourn at 10:50 p.m. Thomson second. Motion carried.*

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

Village Board Meeting Minutes October 13, 2008

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

Present

Roger Kaas
Joyce Laux
David Miller
Jim Rath, arr. 7:45
Carl Thomson

Absent

Bill Barribeau, excused
David Petrie, excused

Others Present

Jennifer Schaff, Village Engineer
Randy Friday, Administrator
Ellen Maxymek, Clerk/Treasurer

- 2) Pledge of Allegiance – Recited.
- 3) Approval of the Agenda – *Kaas moved to approve the agenda. Thomson second. Motion carried.*
- 4) Approval of Minutes – *Thomson moved to approve the minutes of the September 22, 2008 meeting. Laux second. Motion carried.*
- 5) Registered Citizen Comments on Agenda Items
- Rebecca Siebers, N7705 Pigeon Road, re agenda item 10)a). Siebers asked the Board to pay the cost to replace her driveway claiming the base was poorly constructed during the 2002 Pigeon Road reconstruction and trail project. Consequently, the asphalt surface has cracked and checked.
 - Megan Bekish, N7932 Ridgeview Court, re agenda item 10)b). Bekish, owner of Lot 33, Ridgeview Court, stated she wants to see the drainage easement at the rear of the lots cleaned up and the storm water flow, caused by the neighbor’s enclosed drainpipe, diverted. Bekish presented pictures depicting water standing in the swale after a heavy summer storm and reported having water come into the basement as well.
 - Rich Moore, W5142 Shorewood Court, re agenda item 10)b) reported complaining to the Village for years about excessive storm water in the drainage easement in his rear lot. He opined that the drainage easement is infrastructure and therefore the Village should bear the cost of alleviating the problem.
 - Dave Jording, W5159 Natures Way Drive, re agenda item 10)b) said his rear drainage ditch is twelve feet wide and, although his property was graded according to the approved subdivision drainage plan, his ditch takes drainage from Lots 37, 38 and 39. An apparently illegal nearby culvert drains tremendous quantities of storm water to neighbors, Jording reported.
 - Todd Bessey, W5130 Shorewood Court, re agenda item 10)b). Bessey stated someone came onto his vacant lot and constructed a thirty-seven foot wide ditch where the drainage plan showed a twenty-foot wide easement.

- Jeff Jensen, N7931 Ridgeview Court, re agenda item 10)b). Jensen was present but did not offer comment.
- Brian Breckheimer, N7935 Ridgeview Court, re agenda item 10)b). Breckheimer stated he constructed a French drain system in his rear yard, enclosing the drainage swale to the same elevations as the approved subdivision drainage plan. He stated there appear to be different, conflicting drainage plans. He enclosed the ditch, he said, with the approval of the former coordinator according to plans provided by him. Breckheimer acknowledged that he is a landscaper by trade and that it is outside the norm to change a drainage plan without obtaining a permit.

6) Report of the Plan Commission – Oct. 6, 2008

1) Item for Action by the Village Board

- a. Extraterritorial Review: Consider *Certified Survey Map* from Henry Renn for creation of 1.31 acre residential lot immediately south of and adjacent to CTH B, and west of Kesler Road – *Plan Commission recommended approval without objection to an extraterritorial certified survey map brought by Henry Renn creating a 1.31 acre residential lot immediately south of and adjacent to CTH B, and west of Kesler Road, in Town of Woodville.*

Village Board: *Miller moved to approve without objection an extraterritorial certified survey map brought by Henry Renn creating a 1.31 acre residential lot immediately south of and adjacent to CTH B, and west of Kesler Road, in Town of Woodville. Rath second. Motion carried unanimously.*

2) For Information Only

- a. Stumpf property (Clifton Road): Discuss possible future *Certified Survey Map* for future *small subdivision* creating one or two lots from Parcel 41A (Stumpf) along private driveway. Existing private driveway area is proposed as *Outlot #1*, to be reserved for future roadway (60' width) in the event of future major subdivision – *Plan Commission heard a plan proposed by Corey Stumpf for a certified survey map creating a two lot small subdivision divided from parcel 41A. A private drive, commonly known as "John Street" will provide access to the property. The private drive will be reserved for a future 60' wide roadway in the event of development of a future major subdivision. The owners of parcel 41A understand they will solely responsible for maintenance of the private road.*

Village Board: The Board reviewed the proposal for a two-lot small subdivision. Miller noted a utility easement will be provided on the proposed plat in addition to a dedicated road right-of-way.

- b. VisionCare signage: Discuss possible signage allowances for business property along Hwys 55/114 – *Plan Commission heard a proposal from VisionCare business owner Karen LaCount to erect a temporary business sign parallel to STH 114/55 in the Castle Drive Condominium Mall. The Commission, while sympathetic to the business' need to attract additional customers, recommended the owner work with the Zoning Code*

Administrator to determine if and how the temporary sign would comply with provisions of the code.

Village Board: The Village Board reviewed the request for temporary signage. Rath stated the zoning ordinance should be reviewed regarding applicability of signage provisions.

7) Report of Village Officers

a) Village President – No report.

b) Clerk/Treasurer

- i. Review/Approve financial reports – After reviewing the pre-processing report of accounts payable, ***Rath move to approve the vouched invoices including a late received invoice and credit memo. Second by Laux. Motion carried unanimously.***

Maxymek reported a recent contact from Time Warner Cable. After legal review of recent legislation, the cable provider determined that local municipalities cannot increase the percentage of franchise fees charged to the provider. This reverses their prior stance and disallows Board action approving a one percent increase in the fee rate. Rath asked the Administrator to verify the legal opinion.

- ii. Operator's Licenses – Gregory J. Underwood – ***Rath moved to approve issuing an operator's license to applicant Underwood. Kaas second. Motion carried unanimously.***

8) Village Engineer

a) Water infrastructure: Main & booster pump installation; Water Tank – Engineer Schaff reported connecting main, and booster pump projects are on schedule. The reservoir tank manufacturer is trying to improve on the late January expected shipment date.

b) Sewer Force Main Project: Change Order # 3 (-\$145,069.01) – ***Kaas moved to approve change order #3 to the 2008 force main project, reducing the contract price by \$145,069.01 to \$703,305.34. Rath second. Motion carried unanimously.***

c) Sewer Force Main Project: Close-out Report – Engineer Schaff reported the engineering costs associated with the force main project were substantially higher than anticipated. In large part this was due to unforeseen costs to obtain permits and easements, she said. Additionally, greater costs were incurred in construction administration to deal with rock blasting and road boring/cutting issues. Schaff stated she will pay closer attention to reporting cost overages to the Board as the need arises.

d) 2006 Drainage Improvements & Forest Lane Reconstruction: Change Order # 2 (\$-30,535.18) – ***Miller moved to approve change order #2 to the 2006 drainage improvements and Forest Lane road reconstruction project reducing the contract amount by \$30,535.18 to \$740,384.72. Thomson second. Motion carried unanimously.***

e) 2006 Drainage Improvements & Forest Lane Reconstruction: Payment # 6 (\$91,779.93) – ***Rath moved to approve Certificate for Payment #6 to Jossart Brothers, Inc. in the amount of \$91,779.93, partial payment for work performed through September 27, 2008 on the***

2006 Drainage Improvements & Forest Lane Reconstruction project. Thomson second. Motion carried unanimously.

- f) Ground Storage Reservoir: Payment #1 (\$84,122.50) – ***Kaas moved to approve Certificate for Payment No. 1 to Heartland Construction, Inc. in the amount of \$84,122.50, partial payment for work performed through September 30, 2008 on the New Ground Storage Water Reservoir project. Rath second. Motion carried unanimously.***
- 9) Village Administrator
- a) Budget Workshop: Presentation and review of main concepts of FY2009 Annual Budget – Administrator Friday presented the major concepts of the 2009 Budget. In the following memo he highlighted changes in revenues and expenditures, and noted possible changes for consideration.

Revenues:

- (annual) State allowable local property tax increase of 2% = \$12,820.
- (annual) Shared Revenue reduction = - \$15,761
- (new) Re-allocation of funds from the TIF as 'Administrative Costs' = \$53,896.
- (new) Facility Use charges (rent) to the TIF, Water & Sewer = \$6,591
- (new) Operational Expense charges (overhead) to the TIF, Water & Sewer = \$20,724

Expenses:

- (new) Clerk-Treasurer trainee funded for nine months = \$26,665
- (new) Building & Plant costs = \$9,500 (new P.W. garage)
- (annual) Audit fees increase = \$6000
- (one time - possible) Siebers driveway = \$5000
- (one time - possible) Geese eradication = \$4000
- (annual) Stormwater pond maintenance = \$28,310
- (annual) Capital outlay for small purchases = \$98,900 (including:)
 - DPW truck = \$35k
 - Parks mower = \$32k
 - V. Hall improvements = \$50k
 - Community Center painting = \$5k
 - Comm. Center & gym scrubber & buffer = \$7k

The proposed Budget is underfunded by \$45,799. To solve this shortfall, you need to consider reducing expenditures by \$45,799, doing a Fund Balance Transfer to cover this amount, or a combination of the two. An increase in revenues appears unlikely, but the Clerk-Treasurer & I will further review the proposed investment income prior to the Nov. 10 Public Hearing.

Friday noted that chip seal paving of the Farmington Meadows was not budgeted for 2009 due to the low number of new building in the subdivision during the economic downturn. He also noted the need to deal with long-term storm water related issues and costs. While creating a storm water utility is the next logical step to fund these cost, he said, those revenues and costs were not budgeted in 2009.

Friday stated that he will continue to refine the 2009 annual budget which will be presented on November 10, 2008 at a public hearing and subsequently amended and/or adopted.

10) Old Business:

- a) Request to replace driveway (Siebers; N7705 Pigeon Road) – Mrs. Siebers stated she obtained a quote from Appleton Asphalt Co. to replace the driveway base and surface, including the abutting trail crossing, at a cost of \$3,690. According to Friday, Badger Highway submitted a proposal for \$5,555 to perform the same work.

Having heard the Siebers' request, Miller said it seems the property owners were not responsible for the poor condition of their driveway. Kaas stated the owners should have sought redress much earlier, however. ***Kaas moved to pay one-half of the \$3,690 proposed driveway replacement, totaling \$1,845. Thomson second. Motion carried.*** Siebers objected, saying the Village should pay at least half of the proposed \$5,555. Miller recommended the matter be returned for reconsideration at the next meeting and directed the Administrator to obtain additional proposals.

- b) Stormwater Drainage – Consider drainage issue(s) between Pigeon Road & Windsong Ct – After hearing comments from property owners [see agenda items 5) and 13)], Miller verified that the approved drainage plans for the several phases of Lakeshore Estates Subdivision were modified without benefit of engineering review, without approval by the Village Board or issuance of a permit as required by Village Ordinance 55.

Engineer Schaff stated the Village Board has the discretion to consider several alternatives including re-grading the drainage swale; installing storm sewer; doing nothing more in addition to the technical assistance already provided property owners to resolve their private drainage issues. She continued, stating that the drainage ditches are conveying storm water as designed and specifically the grade elevations in the drainage easement at the rear of lots 60 and 61 are within acceptable tolerances. Schaff reported she reviewed and documented various options to the end of resolving the drainage issues, with relative merits of each, over past months. Administrator Friday provided or can provide these details to the neighboring property owners.

Friday stated that he will not proceed to issue citations to violators of Ordinance 55, at the direction of the Board, and if modifications to drainage plans are filed, reviewed, and permits issued so that the Village has a written record of all changes for future reference.

Miller moved to do nothing further, but to suspend issuing citations for violations of Ordinance 55 for an eight (8) month period during which time property owners are to act in a combined effort to correct their drainage problems. At the end of eight-months, the Village will resume enforcement of the ordinance if corrective actions are not completed. Kaas seconded the motion. Motion carried unanimously.

- 11) New Business – None. Rath stated the Board should consider creating an ordinance that would prohibit the Village Board from selecting one of their own members for the position of Village

Administrator. He stated this would be consistent with recent policy changes to prohibit family members of trustees from being an employee of the Village.

12) Complaints and Compliments:

- a) Brunette – Sept. 29, 2008 – Reviewed note from Tom and Kay Brunette, W4757 Cliffview Drive, thanking the Village for restoring the road right-of-way abutting their property.
- b) Welhouse – Sept. 30, 2008 – Reviewed a note of thanks to the Village Board, from Jerry and Mary Beth Welhouse, W4833 Blackcherry Court, for allowing their ditch enclosure.

13) Correspondences: Pat Fahrenkrug (Oct. 3, 2008) – Forrest Run Pet Cemetery (stormwater) – Fahrenkrug commented that an unapproved and un-permitted French drain system installed by owner/s of Ridgeview Court properties apparently is diverting excessive storm water flow to downstream Shorewood Court. He continued, saying that the violator/s should be reprimanded, and, if necessary, the French drain removed to correct the larger problem. While he “is not opposed to a collective effort between the affected property owners to resolve the drainage issue” Fahrenkrug pointed out that property owners purchased their lots with knowledge of the drainage system. He wants to be “sure that all involved parties accept responsibility and pay their portion of the cost” to remediate drainage problems. Fahrenkrug agreed that the Village ought not become involved with precedent setting monetary solutions or bailouts of private property drainage issues.

14) Adjournment – *Kaas moved to adjourn at 9:40 p. m. Rath second. Motion carried.*

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

Village Board Meeting Minutes October 27, 2008

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:31 p.m. with call of roll:
- | | |
|----------------|-----------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Village Engineer |
| David Miller | Randy Friday, Administrator |
| David Petrie | Ellen Maxymek, Clerk/Treasurer |
| 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 – Minutes will be presented at next meeting.

5) Registered Citizen Comments on Agenda Items

- Mark Siebers, N7705 Pigeon Road, re agenda item 11)b).
- Nell Stark, N530 Robinhood Drive, re agenda item 11)a).

6) Presentation: Discuss financial position of the Village (Dave Wagner – Ehler’s & Assoc.) – Wagner reviewed the Village’s financial position, focusing particularly on issues related to tax increment finance. At such time as the Board decides to close out the TIF, the General Fund tax rate will be reduced by 1.3 mils, and approximately \$300,000 per year [50% increase in levy limit from prior year levy] will be freed up to perform General Fund projects.

The main consideration in timing the TIF closeout will be insuring the Village has enough funds to bring current and planned TIF projects to completion. Wagner suggested waiting until at least May 15, 2009 before closeout. Going forward, the Board should determine if increment funds are needed in 2010 and 2011 in order to finish projects. The Board should keep in mind, by closing the TIF after May 15 in any year the increment is generated the following year.

Wagner stated the Board should carefully decide on uses of TIF funds. Paying down debt is a safe use of cash. Funds are secure in FDIC insured bank instruments in account amounts less than \$250,000. Investments should always allow for judicious cash flow with an eye to timing project payments. No investments should be made in collateralized mortgages.

Wagner introduced a new subsidiary, Community Investment Partners, an investment counseling firm, 50% owned by Ehlers Associates with the remaining half ownership invested by Bankers Bank.

7) Report of the Utility Commission – Oct. 20, 2008 – No action by Village Board.

1) INFORMATIONAL ITEMS

- a. *Delinquent Accounts* – Finance/Utility Clerk reported letters were sent to eight delinquent customers (over 90 days), which indicate that a 10% penalty will be applied to the delinquent amount on November 1st and if not paid by November 15th, the delinquent amount plus the penalty amount will be rolled to the tax roll.
- b. *Water Tower, Main & Booster Pump: Project Update* – Engineer reported the reservoir construction was scheduled to start in late November or early December this year, however, the manufacturer currently has a 1/26/2009 ship date but is trying to improve on that date. The water main installation was completed on Monday, October 13. Contractors did experience failed pressure tests on three separate pipe fitting sections of the new installation which were leaking and had to be repaired before they passed. Davies Water will conduct tests on samples of pipe sections to determine the probable cause of the failure, manufacturing or installation. Plans and specifications for the booster pump were to the DNR. Construction of the booster pump is scheduled to start in December 2008.
- c. *Water Filter test processing: Discuss test results and future testing necessity* – Results from four sites indicate no copepods. Commissioners directed the utility operator to stop testing until June 2009.
- d. *Water system: TTHM levels (Pace Analytical Services, Inc)* – The utility operator reported analytical results of the TTHM level from samples collected on 8/12/2008 was at 210 ug/L (limit 80 ug/L), which indicates an exceedance of Maximum Contaminant Levels and/or Action Levels.
- e. *Smoke Testing: Discuss results &/or actions resulting from testing* - The utility operator summarized the results: Pictures of two separate homes on S Niagara show smoke was observed coming from the lawn between the sewer main and the home and smoke was observed coming from the sump of the home, and at two separate homes on Escarpment Terrace, smoke is coming from a lateral cleanout that is missing a cap and smoke was observed around the foundation of the home, and on Spring Hill Dr, a make-shift lateral cleanout cap was viewed. The report also indicates that three homeowners complained smoke was in their basement during testing. Upon immediate inspection by the MCO personnel, dry drain traps were suspected to be the issue. The utility operator will follow up with letters to the homeowners indicated in the report.

Related Discussion: Commissioners directed utility operator to conduct flow monitoring at High Cliff State Park in spring 2009 with MCO equipment.

Other Discussion: Commissioners directed utility operator to get bids for three-year sewer televising agreement and instructed the administrator to enter into an agreement that is in the best interest of the rate payers, not to exceed an aggregate of \$30,000.

8) Report of Village Officers

- a) Village President – No report.

b) Clerk/Treasurer

- i) Review/Approve financial reports – ***Kaas moved to approve payment of invoices as presented, including payment of \$1,845 to Mark Siebers [see agenda item 11)b)]. Rath second. Motion carried unanimously.***

Miller moved to accept the balance sheet report as presented. Laux second. Motion carried unanimously.

Miller moved to accept the budget comparison report as presented. Kaas second. Motion carried unanimously.

9) Village Engineer

- a) Project Update: Water Main; Booster Pump; Water Tank – Schaff reported the connecting water main was installed. Some cleanup and restoration work remains. Fabrication and delivery of the water tank is on schedule. If temperatures fall below 20° the construction area will need to be enclosed. Requests for bids for the booster pump were published, and a bid opening scheduled, with approval of contract awards to follow. Project work will be suspended on November 4 to facilitate the Presidential and General Election voter activity.
- b) Water Main placement: Request for Payment #1 (44,442.90 – Roger Bowers Constr.) – ***Barribeau moved to approve certified payment #1 to Roger Bower Construction Co. Inc. for \$44,442.90 in partial payment of work performed through October 10, 2008 on the Construction of a New Ground Storage Water Reservoir & Water Main project. Thomson second. Motion carried unanimously.***

10) Village Administrator – Administrator Friday stated he will continue to fine tune the 2009 annual budget detail in anticipation of the November 10 public hearing and budget adoption. He continued, saying that the Board could consider eliminating \$12,000 of a total \$36,000 in upgrades to storm water detention ponds and could postpone to FY2010 one-half of the anticipated \$50,000 budgeted for handicap-assessability improvements to the Village Hall/Recreation Center facility.

11) Old Business:

- a) Driveway extension request: Nell Stark – N530 Robinhood Drive – ***Barribeau moved approval of a three-foot extension to a driveway culvert in addition to the extension approved at the meeting of August 25, 2008, and to waive any additional culvert application fees. Thomson second. Motion carried unanimously.***
- b) Request to replace driveway: Siebers – N7705 Pigeon Road – Kaas reiterated his opinion and motion of October 13, 2008 that a fair resolution of the checked and cracked driveway surface issue is to split the cost proposed in the low quote. The motion included payment totaling \$1,845, which is one-half of the \$3,690 low proposal submitted by Appleton Asphalt. Kaas reasoned that neither the Village nor the property owner documented in a timely manner that the six-year old asphalt work was failing. There being no motion to reconsider, the unanimously approved action of the previous meeting stands. Friday stated \$1,845 will be remitted directly to Mr. Siebers within the week.

- c) Improper ditch enclosure: Welhouse – W4833 Black Cherry Court – Engineer Schaff reported a review of the Welhouse ditch enclosure application found the plan does not meet the minimal specification for a 12” culvert. The proposed plan does not include an enclosed culvert where there was a ditch. Rather the proposal includes installing two 4” diameter PVC drain tile enveloped with 1-1 ½” clear stone. The drain tile extends from the existing driveway culvert to the 12” storm sewer. Schaff does not recommend approving this ditch enclosure because it will be a long-term maintenance issue, and because it does not allow a location for water to enter the system on the west side of the ditch. She recommends the property owner resubmit a plan with a minimum 12” diameter drainpipe and an inlet on the west side of the ditch. ***Miller moved to notify the property owner to bring the ditch enclosure up to code by June 15, 2009. Laux second. Motion carried unanimously.***

12) New Business: None

13) Complaints and Compliments: None

14) Correspondences: None

- Agendize referral to Park, Recreation, and Urban Tree Board, a citizen suggestion to construct a skateboard facility. [Miller]
- Request for Administrator follow-up regarding Hawkinson exceeding court ordered limits on vehicles and related parts and junk.

15) Adjournment – ***Barribeau moved to adjourn at 8:00 p.m. Thomson second. Motion carried.***

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

Village Board Meeting Minutes
November 10, 2008
Sherwood Village Hall
W482 Clifton Road, Sherwood, Wisconsin

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:31 with call of roll:
- | Present | Absent |
|----------------|-----------------------------------|
| Bill Barribeau | David Petrie, excused |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Village Engineer |
| David Miller | Randy Friday, Administrator |
| Jim Rath | Scott Nadler, Public Works Dept. |
| Carl Thomson | Ellen Maxymek, Clerk |
- 2) Pledge of Allegiance – Pledge recited.
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Thomson second. Motion carried.*
- 4) Approval of Minutes
- a) Regular Meeting – October 13, 2008 – *Barribeau moved to approve the minutes of October 13, 2008.* Rath requested clarification of his statement [agenda item 11)] as follows.... *the Board should consider creating an ordinance that would prohibit the Village Board from selecting one of their own members for the position of Village Administrator. He stated this would be consistent with recent policy changes to prohibit family members of trustees from being an employee of the Village. Barribeau amended the motion to approve the minutes with the clarification as stated. Rath second. Motion carried.*
- b) Regular Meeting – October 27, 2008 – *Barribeau moved to approve the minutes of the October 27, 2008 meeting. Rath second. Motion carried.*
- 5) Registered Citizen Comments on Agenda Items – None.
- 6) Report of the Plan Commission – Nov. 3, 2008
- 1) Item for Action by the Village Board – Direct Staff to Set Public Hearing.

Zoning Ordinance Amendment #02-2008: Staff request to create Ch. 4-7; Section J; Sub.2(e) –*Temporary Business Signage:*

Temporary business signage is allowed, at the discretion of the Zoning Administrator, for a maximum of two, three-month consecutive permits, whose signage shall be commensurate with the requestor's business (lot) size, not to exceed 32 square feet as a ground-mounted or post-held sign, neither in the public right-of-way nor a vision triangle, not to exceed 7 feet in height from the ground, with a static (non-electric; non-changing) message, which may be lighted if done so via a self-contained, non-electrical (solar; battery) source, and not adjacent to a residential area.

Village Board: Laux moved to direct staff to set public hearing for consideration of ZOA #02-2008. Kaas second. Motion carried unanimously. Rath stated business owners should be informed of the change in the temporary signage provisions.

- 2) For Information Only
 - a. *Zoning Administrator directed to review status of Hawkinson property regarding current number of vehicles on premises and condition of fence at premises.*
 - b. *Kevin Goodman Oct. 26th e-mail – Information request regarding ability to construct single-family residence on sub-standard lot on Lower Cliff Road (Dietzen property). Administrator Friday noted he has responded and will move this item to the Zoning Board of Appeals for consideration regarding building on a sub-standard, R-1 lot with 65 feet of street frontage, versus the normal 75 feet of frontage in newer, developing areas of the community.*
- 7) Public Hearing – FY2009 Village Budget: *Approve Resolution #2008-11 Adopting the FY2009 Village Budget and Appropriating Necessary Funds for the Operations and Administration of the Village of Sherwood for Fiscal Year 2009* – After three calls for public comment and hearing none Miller announced the public hearing closed at 6:50 p.m.

Barribeau moved to amend the budget as follows:

- ***Update Village Hall (General Government: Capital Improvements) reduced from \$50,000 to \$25,000***
- ***Stormwater Ponds (Outside Services) reduced from \$32,000 to \$20,000***

Miller second. Motion carried unanimously.

Rath moved to approve the FY 2009 Village Budget as amended. Laux second. Motion carried unanimously.

Kaas moved to approve Resolution #2008-11 for Appropriation of the Necessary Funds for the Operations and Administration of the Village of Sherwood, Wisconsin for Fiscal Year 2009 in the sum of \$653,824 for General Fund purposes and \$61,073 for Debt Service purposes. Thomson second. Motion carried unanimously.

- 8) Report of Village Officers
 - a) Village President – No report.
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – After the financial reports ***Miller moved to approve payment of the vouched invoices as presented. Rath second. Motion carried unanimously.***
- 9) Village Engineer
 - a) Update infrastructure projects: Booster pump installation; Water Tank – Engineer Schaff reported contractors are ready to pour the concrete base for the ground storage reservoir soon. The driveway surface will be paved in 2009. Clifton Road will be repaired soon,

however. Bids for installation of the booster pump will be opened on November 13, and a contract awarded on November 24.

After discussion the engineer was asked to prepare a cost estimate to construct a 24-foot roadway from Clifton Road to the reservoir.

- b) Water Main: Pay Request #2 for Roger Bowers Construction (\$30,630.35) – ***Barribeau moved to approve Certified Payment #2, to Roger Bowers Construction, Inc., partial payment of work performed through October 30, 2008 on the New Ground Storage Reservoir & Water Main project, for \$30,630.35 . Thomson seconded. Motion carried unanimously.***
 - c) Force Main: Pay Request #4 (Final) for Dorner Inc. (\$22,711.71) - ***Rath moved to approve Certified Payment #4, final payment for work performed by Dorner, Inc. on the 2008 Force Main project, through September 12, 2008 for \$22, 711.71. Kaas second. Motion carried unanimously.***
- 10) Village Administrator: 5-Year Capital Improvements Plan – FY2009 thru FY2013 – Administrator Friday reviewed the Five Year Capital Improvements Plan. Following discussion of each capital item, it was the consensus of the Board to move the High Cliff Golf Course Irrigation System project from Water and Sewer Utility Capital Improvements to Park and Recreation Capital Improvements. ***Laux moved to approve the Five-Year Capital Improvements Plan with the change as stated. Kaas second. Motion carried unanimously.***
- 11) Old Business: None
- 12) New Business: None
- 13) Complaints and Compliments: Yard Waste Site – Hours of operation – Following discussion the Board made no changes to the operating hours at the yard waste site.
- 14) Correspondences: None
- 15) *Closed Session*: Consider property contract – Per Wis. Stats. 19.85(1)(e) the Board may move to closed session when 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.
- Rath moved to proceed into closed session at 8:20 p.m. per Wis. Stats. 19.85(1)(e)as stated. Thomson second. Motion carried unanimously.***
- Barribeau moved to return to open session at 9:17 p.m. Rath second. Motion carried unanimously.***
- 16) Adjournment – ***Barribeau moved to adjourn at 9:17 p.m. Kaas second. Motion carried.***

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

Village Board Meeting Minutes November 24, 2008

- 1) Call to Order and Roll Call – President Miller called the meeting to order at 6:33 p.m. with call of roll:
- | Present | Absent |
|----------------|-----------------------------------|
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Village Engineer |
| David Miller | Randy Friday, Administrator |
| Jim Rath | Ellen Maxymek, Clerk/Treasurer |
| Carl Thomson | |

President Miller called for a moment of silent reflection to commemorate the passing of Trustee David Petrie.

- 2) Pledge of Allegiance – Pledge recited.
- 3) Approval of the Agenda – *Barribeau moved to approve the agenda. Rath second. Motion carried.*
- 4) Approval of Minutes – *Barribeau moved to approve the minutes of November 10, 2008. Laux second. Motion carried.*
- 5) Registered Citizen Comments on Agenda Items
- 6) Public Hearing: ZOA #02-2008 Request by Staff to amend the Zoning Code allowing temporary business signage limited to 32 sq. ft. at business & industrial-zoned properties, limited to 6 months total time.
- Katie Nytes, proprietor, The Chubby Seagull, N7721 State Park Road, stated there is a great deal of illegal signage in the Village and wants to see all sign issues addressed. Her sign is a permanently mounted portable sign, which, she believes, is an “on-site informational sign” and allowed under the zoning code. The sign has been in place for fifteen years.
 - Kenneth Kress, N504 Military Road, owner Sherwood Elevator, voiced distress at having to remove his portable marquee type sign, which, he said is permanently mounted and has been in place for fifteen years without complaint.
 - Steve Pfile, N519 Robinhood Drive, principal Sherwood Forest Golf Club, stated he doesn’t see how his portable sign is causing a problem. He said the sign is a low-cost way of notifying the public of changing information, ie. specials, events, etc.

Following three calls for public comment Miller announced the public hearing closed at 7:09 p.m.

Administrator Friday said approving Zoning Ordinance Amendment #02-2008 would allow erection of temporary business signs within Commercial & Industrial zoning districts up to a

total of six (6) months maximum. The allowance brings fairly strict standards for the signage (not greater than 32 sq. ft.; not higher than 7 feet total height from the ground; etc. that allows the Village control, while giving business extra signage flexibility. Friday stated correspondence was sent to business owners of movable/portable signs, notifying them that while the Village does not allow the portable signs the Board is considering allowing temporary business sign per the amendment language as stated and inviting them to attend a public hearing regarding same.

Kaas asked for definition of “temporary business sign” stating that ground-mounted or post-held signs sound like permanent structures. Miller stated that as the Village grows and changes it want to control signage while allowing flexibility to encourage business growth and prosperity.

Miller moved to refer Zoning Amendment #02-2008, a request by staff to amend the zoning code to allow temporary business signage, back to the Plan Commission for further deliberation. Thomson second. Motion carried unanimously.

7) Report of the Utility Commission – Nov. 17, 2008

1) ACTION ITEMS

- a. Recommend award of Booster Pump installation contract: Coenen Mechanical, LLC (\$159,500) – *Commissioners moved to recommend approval of the contract subject to a Focus on Energy contract as suggested by the Village engineer.*

Village Board Action: Barribeau moved to award contract to Coenen Mechanical, LLC for \$159,500 contingent on obtaining a Focus on Energy grant. Rath second. Motion carried unanimously.

2) INFORMATIONAL ITEMS

- a. Water Tower, Main & Booster Pump: Project Update – *Engineer summarized the November 6, 2008 project update report. Commissioners questioned when the portion of Clifton Road, opened for the water main construction, will be paved. Engineer suggests considering an incentive grant with the Booster Pump project due to higher than anticipated costs associated with adding chlorine.*
- b. Water Utility Budget: *FY2009 Proposed Budget reviewed. Commissioners requested detail of MCO contract costs to be included with the budget line items.*
- c. Sewer Utility Budget: *FY2009 Proposed Budget reviewed. Administrator stated the sewer rate study has not been completed by Virchow Krause, therefore, the proposed sewer budget is incomplete.*
- d. Capital Improvements Plan: *Future Projects (FY2009-FY2013) reviewed.*

8) Report of Village Officers

- a) Village President – President Mill expressed thanks to Times Villager reporter Tom Collins for his article honoring Trustee Petrie.

- b) Clerk/Treasurer
 - i. Review/Approve financial reports – **Miller moved to approve payment of vouched invoices as presented. Laux second. Motion carried.**
 - ii. **Rath moved to accept the balance sheet report. Kaas second Motion carried.**
- 9) Village Engineer
 - a) Water infrastructure: Main & booster pump installation; Water Tank – Engineer Schaff reported the tank’s steel material is scheduled for delivery the second week in December and erection of the tank will begin shortly after delivery.
 - b) Public Works Garage: Request for additional compensation for engineering services beyond the scope of the base contract – **Barribeau moved to approve an increase in the agreement for engineering service beyond the scope of the base contract with McMahon Associates for \$5,500. Rath second. Motion carried unanimously.**
 - c) Certified Payment #1, New Municipal Garage Project, to KO-BRA Buildings, LLC, for \$153,406.00, partial payment for work performed through October 31, 2008 – **Kaas moved to approve Certified Payment #1 to KO-BRA Buildings, LLC, for \$153,406.00, for partial payment for work performed through October 31, 2008 on the new municipal garage project . Laux second. Motion carried unanimously.**
- 10) Village Administrator – Nothing to report.
- 11) Old Business: None
- 12) New Business:
 - a) Appointment to vacant Village Board seat – **Miller placed the name of Joe Hennlich into nomination to fill the term on the Village Board created by the death of Trustee David Petrie. Rath moved to accept the nomination and to elect Joe Hennlich to fill the vacancy. Barribeau second. In a roll call vote Barribeau, Kaas, Rath, Thomson voted in favor. Laux against. Miller abstained.** Discussion ensued regarding dual service by Mr. Hennlich on the Village Board and the Plan Commission. The Board was in consensus that, in the absence of conflicting statutory or ordinance provision, Hennlich should retain his appointed position on the Plan Commission.
 - b) Termination of Lease – Aschenbrener Law, LLC – Administrator Friday reported although Mr. Aschenbrener sent notice of intent to terminate his lease he desires to continue his practice, if possible, in his current leased location in the Village Hall Plaza. According to Friday, there is no doubt that Jim Aschenbrener was severely handicapped by a debilitating illness in recent months, thus allowing grounds for termination of the lease. The Board agreed to wait and see how his situation develops before accepting the Aschenbrener notice of termination. No action.
 - c) Fee Schedule: Approve (new) fee for working in Village road rights-of-way (ROWS) – Friday stated there is no current charge for working in the Village right-of-ways. The County charges a flat fee of \$75, which, he said, is too minimal for a perpetual entitlement

to use the public ROW. The Administrator proposed charging a minimum of \$75. plus \$1.00 per foot over 75 feet as a reasonable fee basis. The fees will apply to work in established right-of-ways, not in roadways under development and will be charged to private utility providers such as electric, gas, telephone, cable, etc.

Bruce Sasman, WE Energies Fox Valley Area Manager, sent correspondence voicing concerns regarding the “significant increase in the permitting fees...and how these fees will impact customers and residents”. His comments were read into the record of the meeting [and are here-in attached and included in the minutes]. Kaas objected to the use of terms such as *perpetual* or *forever* when referring to easement rights since it misconstrues the intent of the Village to charge the fee for each event of work in the right-of-ways. Rath stated that he finds the permit fees reasonable.

Barribeau moved to approve the new fee for working in the Village right-of-way at \$75.00 plus \$1.00 per linear foot in excess of 75 feet. Laux second. Motion carried unanimously.

- d) Fee Schedule: Review/Approve changes to *Fee Schedule* for FY2009 – See agenda item 12)e).
- e) Resolve changes to *Fee Schedule* (as noted above in Items 12c & 12d) – ***Barribeau moved to approve the Fee Schedule as presented. Kaas second. On a roll call vote. Barribeau, Kaas, Miller, Rath, Thomson voting in favor. Laux against. Motion carried.***

13) Complaints and Compliments: None

14) Correspondences: None

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

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

Village Board Meeting Minutes December 8, 2008

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

| | |
|----------------|-----------------------------------|
| Present | Absent |
| Bill Barribeau | None |
| Roger Kaas | Others Present |
| Joyce Laux | Jennifer Schaff, Village Engineer |
| David Miller | Randy Friday, Administrator |
| Jim Rath | Ellen Maxymek, Clerk/Treasurer |
| Carl Thomson | |

- 2) Pledge of Allegiance – Pledge recited.
- 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 24, 2008. Thomson second. Motion carried.*

- 5) Registered Citizen Comments on Agenda Items

- Craig Bolle, N200 Queens Court, re. agenda item 11) a), requesting permission to move driveway and culvert.

- 6) Report of the Plan Commission – Dec. 1, 2008

- 1) Items for Action by the Village Board

- a) Extraterritorial Review: Consider *Certified Survey Map* from Henry Renn for creation of 1.14 acre residential lot immediately south of CTH B and east of the Village of Sherwood – *Plan Commission approved the extraterritorial certified survey map submitted by Henry Renn without objection.*

Village Board: *Kaas moved to approve the extraterritorial Certified Survey Map presented by Henry Renn for creation of a 1.14 acre, single-family residential lot located on CTH B without objection. Rath seconded the motion. Motion carried unanimously.*

- 2) For Information Only

- a) Zoning Ordinance Amendment #02-2008: Request by Staff to allow for temporary business signage in Commercial & Industrial District (Returned to P.C. by Village Board – *The administrator was instructed to formulate a comprehensive signage section of the zoning code that will incorporate the goal of planning attractive business corridors while being attuned to the needs of current businesses.*
- b) Possible future single-family residence along Private Drive (John Street; Stumpf): Discuss *Developer's Agreement* issues – *The Administrator will work with the Stumpf family, when they are ready to proceed, to construct a developer's agreement.*

- c) Hawkinson property: Code Administrator visit with property owner (N303 Military Road) – *The administrator will continue to pursue code compliance with the property owner according to terms of the court judgement.*
- 7) Report of Village Officers
- a) Village President – No report.
 - b) Clerk/Treasurer
 - i. Review/Approve financial reports – After reviewing the Checks in Progress report, ***Barribeau moved to approve payment of vouched invoices as presented. Rath second. Motion carried unanimously.***
 - ii. Operator’s Licenses – Cole R. Garrow – ***Rath moved to approve an Operator’s License submitted by applicant Garrow. Kaas second. Motion carried unanimously.***
- 8) Village Engineer
- a) Update infrastructure projects: Booster pump installation; Water Tank – Engineer Schaff reported the shipping date for the reservoir tank changed to February 6, 2009. Construction of the starter ring, which is critical to successful placement of the tank, can proceed, she continued, at temperatures above 20°. Kaas stated his preference to error on the side of caution and wait for warmer weather before constructing the starter ring. Schaff will verify the arrangement with the tank manufacturer.
 - b) Municipal Garage: Approve *Change Order #1* (increase \$720) – The purpose of the change order is to add a separate water meter in the new garage for the purpose of fiscal management. ***Barribeau moved to approve Change Order #1 increasing the contract by \$720 to a new contract price of \$461,424. Miller second. Motion carried unanimously.***
- 9) Village Administrator – No report.
- 10) Old Business: None
- 11) New Business:
- a) Request to move driveway & culvert: Craig Bolle (N200 Queens Court) – Bolle requested permission to move his driveway and culvert in order to line up with his recently built garage. ***Barribeau moved to approve the permit application. Thomson second. Motion carried unanimously.***
 - b) Request to allow employee *Unpaid Leave* in March, 2009 – Friday reported that unpaid leave time is provided in the Personnel Policy with Board approval. ***Barribeau moved to approve a request by represented employee Beth Lautenschlager for use of unpaid leave in March, 2009. Miller second. Motion carried unanimously.***
 - c) Request by Administrator change to *Personnel Policies: Unpaid Leave (Article IV)* – Administrator Friday requested changes in the Personnel Policy, article IV, no. 2, to formalize the ability of the Administrator to manage, at his/her discretion, requests for

unpaid leave. ***Laux moved to approve changes as stated to the Personnel Policy, Article IV, No. 2. Barribeau second. Motion carried unanimously.***

- d) ***Resolution #12-2008: Acknowledging Dave Petrie's service to the Village of Sherwood – Miller moved to approve Resolution #12-2008 acknowledging Dave Petrie's service to the Village of Sherwood. Barribeau second. Motion carried unanimously.***

12) Complaints and Compliments: None

13) Correspondences: None

14) Adjournment – Unless a pressing issue arises the Board agreed not to meet as regularly scheduled on December 29. ***Barribeau moved to adjourn at 7:17 p.m. Kaas second. Motion carried.***

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