

**MINUTES OF THE MEETING OF THE
TOWN OF SHEBOYGAN TOWN BOARD
HELD ON TUESDAY, MARCH 19, 2013 @ 5:15 pm**

A Town of Sheboygan Town Board meeting was held on Tuesday, March 19, 2013 in open session at the Town of Sheboygan Town Hall, 1512 No. 40th Street, Sheboygan, Wisconsin 53081, Sheboygan County, Wisconsin.

The meeting was called to order by Town Chairman, Daniel W. Hein. The following were also present at the meeting: Supervisors Ralph Schneider, James R. Schwinn, John Wagner and Char Gumm, Atty. Michael Bauer, Public Works Director William Blashka and Clerk Cathy Conrad.

Notice of the meeting was given to the public at least 24 hours prior to the meeting by forwarding the complete agenda to the official Town newspaper, *The Sheboygan Press*, and to all news media who have requested the same, as well as posting in four (4) different places.

Upon motions duly made and seconded, the Town of Sheboygan Town Board unanimously adopted the attached resolutions unless noted otherwise and made a part of these minutes by reference.

There being no further business the meeting was adjourned.

TOWN OF SHEBOYGAN TOWN BOARD

DANIEL W. HEIN, CHAIRMAN

RALPH J. SCHNEIDER, SUPERVISOR

CHAR GUMM, SUPERVISOR

JAMES R. SCHWINN, SUPERVISOR

JOHN WAGNER, SUPERVISOR

UPON MOTIONS DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS WERE ADOPTED UNANIMOUSLY BY THE TOWN OF SHEBOYGAN TOWN BOARD IN OPEN SESSION

- 2) Agenda-**Motion Gumm, second Schneider to approve the Town of Sheboygan Town Board agenda for March 19, 2013. Motion carried.**
- 3) Approval of the Minutes-**Motion Wagner, second Gumm to approve the Town Board minutes of February 19, 2013 as presented. Motion carried.**
- 4) Rezoning Request for Schinke property located at 4229 Mueller Road from R-2 to A-1-Atty. Bauer explained a public hearing was held and the Plan Commission recommended approval of the rezoning. **Motion Schwinn, second Wagner to approve the rezoning request of M/M Schinke for property located at 4229 Mueller Road from R-2 to A-1, as recommended by the Plan Commission. Motion carried.**
- 5) Conditional Use Permit for Sanitary District No. 2 for upgrades at 1100 Riverview Drive-Atty. Bauer explained a public hearing was held and the Plan Commission recommended approval of the conditional use permit. The main lift station is in need of repair and an outside staircase is proposed. **Motion Wagner, second Gumm to approve the conditional use permit for Sanitary District No. 2 for upgrades to the lift station at 1100 Riverview Drive as presented, and recommended by the Plan Commission. Motion carried.**
- 6) Conditional Use Permit for SBA Communications for W1942 CTH J-Atty. Bauer explained a public hearing was held and the Plan Commission recommended approval of the conditional use permit. This is an existing tower with the addition of new antennas. **Motion Gumm, second Schwinn to approve the conditional use permit for SBA Communications for W1942 CTH J for antenna and equipment upgrades, as presented and recommended by the Plan Commission. Motion carried.**
- 7) Wal-Mart Land Use Agreement-Atty. Bauer explained that Walmart's attorneys have informed our legal counsel that the agreement is in the process of being approved. There is a May closing scheduled with plans to build a daycare on the Vanguard property. The project is moving forward and the land use agreement is proposed. **Motion Gumm, second Schneider to approve the Walmart land use agreement for property on CTH J and Vanguard Drive as presented. Motion carried.**
- 8) Request from Bistan/Marchi re: an outside gathering. Bistan stated most cars will be in the driveway and on Lisa Avenue and the No. 32nd Street dead end, to keep vehicles out of the roadway. The constable is aware of the issue and Blashka did not see any issues. Music should also not be a problem. **Motion Gumm, second Schwinn to grant request for outdoor music until 10 pm and parking on Lisa Avenue and No. 32nd Street on June 15, 2013. Motion carried.**
- 9) Violation of Sign Ordinance related to Scotty Landscape at 3823 Enterprise Drive-Supervisor Schneider commented that he was at the property on Monday and Scotty indicated that the sign is on his property but there is no advertising on it and it cannot be moved until the snow is gone. Scotty stated that he received the sign ordinance as everybody and he removed the sign at Pomp's. Scotty indicated he received several letters and he would the sign down as soon as he is able to take it out as it is frozen to the ground. Scotty asked for additional time to remove the sign until the frost is out of the ground. Scotty said by May 1st he should have the sign removed. **Motion Schneider, second Schwinn to allow Scotty Landscape until May 1st 2013 to remove the portable sign. Motion carried.**
- 10) Vacant Land Listing Contract-A 1 year contract extension was presented. If the sale goes through on the 31st of May the existing contract will be null and void. **Motion Schwinn, second Wagner to approve the vacant land listing contract with Century 21 Rautmann/Schils for land on Vanguard Drive for 1 additional year. Motion carried.**
- 11) Constable Report-The constables had no items to report. Atty. Bauer showed a change in chapter 2.05 regarding the action that was taken at the last annual meeting. This could not be effective until the terms of the current constables expire, which is April 16, 2013. The Town will then have enforcement officers. This will be placed on the April 9, 2013 meeting. VanDerPuy is interested in maintaining the town enforcement officers. The chairman asked for an e-mail from both constables stating if they are interested in maintaining the positions. **Motion Gumm, second Schwinn to have Chapter 2.05 put on the agenda for the April 9 meeting and to include hiring town enforcement officers. Motion carried.**
- 12) Driveway damage at N6946 Prairie Ridge Ct-Property owner Wayne Vetsch was in the office and complained that there was a crack in his driveway from the plow backing onto his property. Blashka commented that he talked to his crew about backing into the driveway which they denied. In order to clean up cul de sacs the Town must

back into some driveways to move the snow, or more snow will be left in the road and driveway area. Supervisor Schwinn stated he also did not observe any damage and there is no evidence to prove otherwise. **Motion Schwinn, second Schneider to take no action on the Vetsch complaint of driveway damage. Motion carried.**

13) Purchasing Policy-Supervisor Schwinn reported that the purchasing policy was approved by Sanitary District #2 & #3 at their last meeting and additions were made by legal counsel. **Motion Schwinn, second Gumm to approve the purchasing policy as presented and circulate to all employees and all department heads. Motion carried.**

14) Purchase of Uniforms/shirts-Blashka provided an estimate for polo shirts, t-shirts, sweatshirts and coveralls for the initial purchase with Town paying ½ and Sanitary District's each paid ¼ of the costs. These items will be returned to the Town if an employee leaves employment. **Motion Schwinn, second Gumm to authorize Blashka to go forward with the purchase of t-shirts, polo shirts, sweatshirts and coveralls for the public works staff. Motion carried.**

15) Portable sign at 5425 Superior Avenue UAW Local 833-**Motion Schwinn, second Gumm to approve allowing the UAW Local 833, 5425 Superior Avenue until July 2013 to remove the portable sign at this location, as recommended by the Plan Commission. Motion carried.**

16) Intergovernmental Agreement for Maintenance of Rangeline Road-The Town must agree to where the dividing line will be for the maintenance of Rangeline Road. Schwinn and Blashka explained that using Rangeline Road & Woodland Road as the division would leave 317' south of the intersection that would be turned over to the Town of Sheboygan Falls. Schwinn is unable to go to the Town of Sheboygan Falls for approval of the agreement without the Town approval to give up 317' to make the dividing line the Rangeline Road and Woodland Road intersection. **Motion Gumm, second Schwinn to make the dividing line at the intersection of Rangeline Road and Woodland Road and give up the 317' to the Town of Sheboygan Falls. Motion carried.**

17) Town Hall & Office flooring estimates-Town Hall flooring issues were discussed. Several soft spots have appeared and there is some buckling. Schwinn stated that the Finance Committee recommended a carpenter come in to evaluate the floor and possibly make repairs and then have floor refinished. The Town will proceed with getting estimates from contractors.

18) Operators License-**Motion Gumm, second Wagner to approve the operator's license for James T. Lackey, 4232 So. 14th Street for Holidays Pub. Motion carried.**

19) Status of building moved to Dale Koepke property at 3416 CTH Y since May 2011-Mr. Koepke was present. He stated that he was denied a variance in 2011. He stated he offered to take down the granary and they did not feel it was a hardship. Atty. Bauer stated that the Zoning Board was following the law as they should and the Town Board is looking at a change in the zoning code to address unique situations regarding oversized storage buildings and properties with barns who wish to make improvements. This ordinance hearing will be held next month before the Plan Commission and it was recommended that Koepke come to the Plan Commission hearing to provide input. If the zoning ordinance is approved property owners would have to apply for a conditional use permit, which would require a hearing before the Plan Commission.

20) Status of February 27th storm and highway equipment needs-Lots of phone calls were received with the 20" snowfall and 3" of rain. Plowing was done continual from 2 am – 7 pm and the crew was only able to use the front plow on the plow trucks and used the payload. Blashka reported the fire department had a call and a plow driver was sent to open the road ahead of the fire truck, however the fire truck went into the ditch and a short time later the snowplow also went into the ditch. The payload was used to pull out the fire truck and snowplow. The payload is almost 20 years old and possibly needs a complete overhaul. They maybe able to have factory rebuild and they are starting to blow hydraulic lines externally and internally. Blashka checked into replacement costs and it is estimated to be \$170,000 with a plow and wing. Blashka noted that a lot of roads have continual blowing and drifting and they have an extremely hard time getting through with a plow and wing and a blower would have more uses and snow could be blown back out of intersections to help with drainage. The cost of a blower is \$75,000. The payload is the first line of defense and is a critical and an important piece of equipment. To get a wrecker here from Belgium to tow out the vehicles would be a minimal 2 hour wait and upwards of \$500 in costs plus equipment and operator down time. Blashka asked the Town to consider going forward and replace the payload as the estimates for repairs from Fischer's are approximately \$10,000 without a complete overhaul, and there are also hydraulic repairs necessary. There was also a letter in communications from the Highway Commissioner that there is a need to cut back. Blashka stated he has been trying to get a salt shed for 1,000 tons of salt. The Town has used 800 ton per year. The cost was \$150,000 for the salt shed the last time he checked. The County gets salt on a state bid and adds on costs to the salt for storing & loading. The Town has been putting on liquid

chemical to save costs (salt brine). Having a salt shed will allow keeping the salt out of the trucks after each use and washing them out to preserve the life of the truck. Private contractors cannot get in on the state bidding. The Town Board stated they would keep this all under consideration for budgeting and asked Blashka to get updated prices.

21) Standing Water and Drainage Issues-Rain first, 20" of snow and 3" of rain caused all kinds of issues. The crews were out all week doing drainage issues called in, most of which were snow pushed over culvert inlet and outlets, snow in ditches and nowhere for the water to go. The No. 50th Street project will proceed in spring. Water over Mueller Road near B & N has been looked at as it doesn't flow as well as it should. AECOM has reviewed in the past. AECOM will be contacted regarding the Mueller Road area and this will be placed on the next agenda.

22) Reports-**Motion Gumm, second Schwinn to accept the reports as presented. Motion carried.**

23) Communications & Correspondence-Communications and correspondence was read and filed.

a) walking/pet traffic on Heather Valley & Enterprise Drive-no funds in the budget,

c) letter from Sheriff's Dept. attendance-Combine with Constable Report line item and move up to item #4.

Closed Session

The Town of Sheboygan Town Board may convene into Closed Session pursuant to Section 19.85 (1)(c) of the WI Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Roll call vote to go into closed session. Hein-aye; Schwinn-aye; Schneider-aye; Wagner-aye; Gumm-aye. Motion carried.

24) Discussion/Action - Employment Issues

Open Session

The Town of Sheboygan Town Board will convene in Open Session to make decisions on Closed Session items.

Roll call vote to go into open session. Hein-aye; Schwinn-aye; Schneider-aye; Wagner-aye; Gumm-aye. Motion carried.

Motion Schwinn, second Gumm to hire David Wehrwein at \$15.00 per hour, with no benefits and not to exceed 1,040 hours. Motion carried.

25) Adjourn-**Motion Wagner, second Gumm to adjourn the meeting at 7:15 pm. Motion carried.**

Minutes recorded by Cathy Conrad, Clerk